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MOB VIOLENCE AGAINST RESIDENT ITALIAN ALIENS, 1895-1905:
A STUDY IN DIPLOMACY

by

Judith Boyd McCullough

B. A., Montana State University, 1954

Presented in partial fulfillment
of the requirements for the degree of
Master of Arts

MONTANA STATE UNIVERSITY

1955

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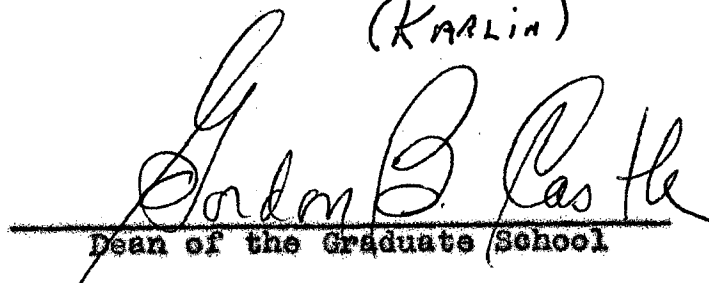
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CHAPTER I

Background

Italian-American diplomacy in the decade between 1895 and 1905 was complicated by four major acts of mob violence against Italian aliens residing in the United States. Prolonged and complex negotiations arose from the successive outbreaks at Walsenburg, Colorado; Hahnville and Tallulah, Louisiana; and Erwin, Mississippi, which came on the heels of the infamous New Orleans massacre of eleven Italians in 1891.¹ The lengthy diplomatic controversies were marked by charges and counter-charges, conciliatory gestures and aggressive maneuvers, and a frantic scramble for favorable evidence. Both Italy and the United States endeavored to secure all the rights or immunities to which it believed it was entitled for itself and its citizens. But the slow progress toward the settlement of each incident could not be conducted in a diplomatic vacuum. Many and varied were the factors constantly to be considered in the process of arriving at decisions acceptable to both. These examples of Italo-American diplomacy must be considered against a complicated background of international law, treaties,

1. Jules A. Karlin, "Italo-American Incident of 1891" (Unpublished Ph.D. dissertation, University of Minnesota, 1940). (Hereafter cited as Karlin, "Italo-American Incident".)

precedents, federal and state conflicts, immigration problems, and domestic politics.

The first major issue in each case was the exact status of the Italian resident alien under the Treaty of 1871 between the United States and Italy and under the general principles of international law. The Italian subject entering the United States was specifically protected by Article III of the 1871 treaty.² When Italians were injured in the United States, the Italian government immediately attempted to use a broad interpretation of the guarantees of protection in order to secure prompt and adequate reparation from the American government. The United States, in contrast, construed its duties under the treaty as narrowly as possible and generally insisted that the Italians had received the minimum protection to which they were entitled.

In addition, both Italy and the United States were aware that under international law a state has two duties toward aliens within its borders: state officials must take normal minimum precautions to prevent them from being injured, and, if an injury does occur, the state must provide adequate judicial remedies to rectify the wrong. When an outbreak of

2. 17 U. S. Statutes 742 (1871). "The citizens of each of the high contracting parties shall receive in the States and territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives."

violence resulted in injury to Italians living in the United States, both governments immediately examined the facts to assure themselves that the required precautions, or "due diligence," had been taken by the local officials. The circumstances of each case determined the amount of due diligence necessary to absolve the American government of responsibility. After duly examining all available data, Italy charged the United States with a failure to exercise due diligence in three of the four present cases. The American government then attempted to rectify the injury through the judicial processes.

Thus the United States had the second problem of proving to Italy that adequate local redress was available. Before Italy could formally press a claim on behalf of its injured nationals, the aliens or their heirs were required to attempt to obtain a remedy for the wrong in the American courts. This is known in international law as the rule of local remedies. The United States was thus not directly confronted with the question of its responsibility until the local courts had demonstrated their inability to redress the injury to the Italian alien.

The Italian government could then proceed to examine the circumstances to ascertain if the United States had fulfilled its obligations under both international law and the Treaty of 1871. If the local judicial remedies had been reasonably exhausted and no redress for the injury had been

forthcoming, Italy could charge the American government with a "denial of justice."³ The injury to the Italian alien then became an injury to Italy itself.

Violence committed by a mob rather than an individual generally complicated the problem of local redress because of public sympathy with the mob's actions. This attitude often influenced juries, witnesses, and even judges. The local courts seldom identified and prosecuted those guilty of the violence even when the guilty persons were known by a majority of the inhabitants of the area. Negligence and connivance on the part of the local officials frequently contributed to the breakdown of local justice. This state

3. "Draft Conventions and Comments on Nationality, Responsibility of States for Injuries to Aliens, and Territorial Waters, Prepared by the Research in International Law of the Harvard Law School," American Journal of International Law, Special Supplement, v. 23 (April, 1929), 173-187. (Although its status is unofficial, it is widely respected as a careful and scholarly draft.) The term denial of justice has numerous interpretations. On one hand, it is used as equivalent to international wrongdoing or to international delinquency or to some outrageous act attributable to the state. Most international lawyers, however, prefer to construe the term more narrowly, in order to indicate some serious defect in the administration of the remedial process. Though aware of this controversy, this author will attempt to apply the term in the sense it was used in the diplomatic communications between the United States and Italy. When speaking of a denial of justice, both governments seem to refer to the failure of the local law enforcement officials and of the grand juries to properly investigate the crime or to prosecute the guilty persons. This corresponds closely to the definition recommended in the Harvard Draft: "A state is responsible if an injury to an alien results from a denial, unwarranted delay or obstruction of access to courts, gross deficiency in the administration of judicial or remedial process, failure to provide those guaranties which are generally considered indispensable to the proper administration of justice, or a manifestly unjust judgment."

of affairs at last caused Baron Severio Fava, the Italian ambassador, to remark;

It is true that the grand jury met and waited for the criminals to come forward and accuse themselves. . . . but no detectives were put on the track of the assassins; no attempt was made by the police to discover them; and if the district attorney did not succeed in securing any information that could lead to the detection of the lynchers, this was due to the fact that no serious, courageous, or even partial attempt was made to that end.⁴

This problem was a recurring irritant throughout all the negotiations. In the end, Italy charged the United States with a denial of justice in each of the four cases.

Even the organization of the American union itself contributed to the ineffectiveness of local judicial remedies and correspondingly strengthened Italy's charges. As the state governments in the exercise of the police power had exclusive jurisdiction over crimes resulting from mob action, the federal government could do little to fulfill its duties to provide due diligence and adequate remedies. Though the United States government could only make recommendations to the state authorities, it had to accept full responsibility for the violations of the treaty and international law.

When the American government attempted to use this defect in the federal system as a partial explanation for its failure to fulfill its obligations, however, Italy refused to accept this defense and reiterated its demands for satisfaction. Italy could cite many precedents of international law in

4. Department of State, Papers Relating to the Foreign Relations of the United States, 1896 (Washington: Government Printing Office, 1897), 413. (Hereafter cited as Foreign Relations with appropriate year.)

sustaining its position that constitutional deficiencies were not an adequate cause for a release from obligations. Despite Italy's firm stand, the United States consistently refused to admit liability for the acts of violence but instead allowed indemnities as acts of grace. After the New Orleans lynching in 1891, President Benjamin Harrison had recommended transferring treaty violations to federal courts,⁵ but the requested legislation had not been passed.⁶

As a necessary adjunct to the general principles of international law and to the Treaty of 1871, both Italy and

5. December 9, 1891; Foreign Relations, 1891, v-vi. "Some suggestions growing out of this unhappy incident are worthy of the attention of Congress. It would, I believe, be entirely competent for Congress to make offenses against the treaty rights of foreigners domiciled in the United States cognizable in the Federal courts. This has not, however, been done, and the Federal officers and courts have no power in such cases, to intervene either for the protection of a foreign citizen or for the punishment of his slayers. It seems to me to follow, in this state of the law, that the officers of the State charged with police and judicial powers in such cases must, in the consideration of international questions growing out of such incidents, be regarded in such sense as Federal agents as to make this Government answerable for their acts in cases where it would be advisable if the United States had used its constitutional power to define and punish crimes against treaty rights."
6. On the relevant points of international law involved, see: Herbert W. Briggs, ed., The Law of Nations (New York: Appleton-Century-Croft, Inc., 1952), 601-747. Clyde Eagleton, The Responsibility of States in International Law (New York: New York University Press, 1926). Charles Cheney Hyde, International Law Chiefly As Interpreted and Applied by the United States (Boston: Little, Brown, and Company, 1947), II, 879-952. Philip C. Jessup, A Modern Law of Nations (New York: The Macmillan Company, 1948), 94-122. John Bassett Moore, A Digest of International Law (Washington: Government Printing Office, 1906), VI, 605-883. (Hereafter cited as Moore, Digest.)

the United States relied on the precedents existing up to 1895 to guide their conduct of the negotiations. Both governments could find cases and decisions to aid them in their development of diversified charges and defenses.

When Americans had been killed or injured abroad, the United States had exhibited a willingness to support strongly the responsibility of a state to prevent the injury to the alien if possible and to provide adequate redress if a wrong was done to an American citizen. In the Panama Riot of 1856, the United States had charged New Granada with a lack of due diligence and had held that government directly responsible when the police called to aid the Americans had joined the rioters.⁷ In the De Brissot case in the 1860's, the doctrine of the need for adequate judicial remedy had aided the American claim which was eventually submitted to arbitration. One commissioner had summarized the problem as follows:

Venezuela's responsibility and liability in the matter are to be determined and measured by her conduct in ascertaining and bringing to justice the guilty parties. If she did all that could be reasonably required in that behalf, she is to be held blameless; otherwise not. . . .

This claim also had illustrated the inadequacy of the defense of constitutional deficiencies. The commissioners had held:

Whatever may be the relations inter sese between the constituent parts of a federative body, admitted as such into the family of nations, they can play no part in determining the liability of the body by its own

7. John Bassett Moore, History and Digest of the International Arbitrations to Which the United States Has Been a Party (Washington: Government Printing Office, 1898), II, 1362-1420. (Cited hereafter as Moore, Arbitrations.)

distinctive name to other nations for wrongs inflicted by any of the parts or within the domestic jurisdiction.⁸

Although Italy adopted this widely-held view in her correspondence with the United States, the American government nevertheless repeatedly attempted to use the defects in its federal organization as partial exoneration of its failure to fulfill its international obligations.

When an American missionary had been murdered in Mexico in 1871, the United States had demanded prompt punishment of the guilty parties. The execution of five murderers had caused the State Department to drop the matter, as adequate redress for the initial injury had thus been given by the local courts.⁹ The American government had continued to support the two general principles of state responsibility when sailors on shore leave from the USS Baltimore in Valparaiso, Chile, in 1891, were attacked. As the police had aided the rioters, the United States had demanded both an indemnity and an apology. Secretary of State James G. Blaine had gone even further:

You will assure the Government of Chile that the President has no disposition to be exacting or to ask anything which this Government would not, under the same circumstances, freely concede.

After he had threatened to break off diplomatic relations with Chile, that government had offered an indemnity without reference to liability. The United States had accepted.¹⁰

8. Ibid, III, 2949-2971.

9. Karlin, "Italo-American Incident," 51.

10. Moore, Digest, VI, 854-864.

Italy could find ample proof that the United States had signified its acceptance of the international principles requiring due diligence to prevent injuries to aliens and adequate redress for those wrongs that did occur. The United States, in return, could cite many cases involving injuries to Americans in Mexico in which these principles were often ignored. The frequency of violent attacks on both sides of the border had made each government extremely reluctant to clarify its attitude toward the dual responsibilities toward aliens under international law. Even when American engineers had been killed in Angangueo¹¹ and an American missionary had been murdered in Acapulco,¹² the American government had declined to press claims vigorously against Mexico despite ample grounds under the principles of international law. Thus precedents supporting both the Italians and the American positions could be gleaned from a careful selection of incidents in which American nationals were injured abroad.

The same was true when cases were examined regarding injuries to aliens within the United States. The American government had generally displayed great reluctance to admit responsibility under either of the duties specified in international law. Some of these incidents served to forewarn the Italian government of the position the State Department would probably take. In one of the earliest cases, involving the destruction of three French privateers by mobs

11. Karlin, "Italo-American Incident," 59.

12. "Ibid," 52.

in Virginia and Georgia in 1811, the federal government had held that the lack of any warning relieved it of responsibility under the minimum standard of due diligence. The State Department had also claimed that the federal organization which prevented the supervision of local justice by the central government had nullified any charge of a denial of justice.¹³ When a wave of anti-Spanish sentiment in New Orleans in 1851 had resulted in the destruction of the Spanish consulate and threats to the Spanish consul as well as injuries and damage to Spanish homes and businesses, the United States had admitted liability only for the acts against the consul and the consulate. Later the United States had granted an indemnity for damages to Spanish citizens as a courtesy to Spain. There had been no admission of liability, however.¹⁴ A similar attitude had been adopted when seven Mexican shepherds were hanged in Texas in 1873. The State Department had held that the American government was not responsible for acts by individuals against other individuals. Despite the fact that the local officials had done little to locate the murderers, the United States had refused to admit the validity of a charge of denial of justice. Mexico had hesitated to press this claim in view of similar charges against its

13. Moore, Digest, VI, 809-811. Under an 1831 Claims Convention, the United States paid an indemnity to France for all outstanding claims, including those involving the privateers. There was no direct admission of liability, however.

14. Ibid, 811-815.

government, and in the end the United States had refused to admit liability and had paid no indemnity.¹⁵ When a British citizen had been killed by members of a sheriff's posse in New Mexico Territory, the American government again had pleaded the inadequacies of the federal system and had asserted that it had no control over the territorial authorities. After lengthy correspondence, the United States had finally said that, as the courts were open, local judicial processes were sufficient to provide redress to the heirs of the British national. The British had apparently realized the futility of further negotiations and had dropped the matter.¹⁶

In the 1880's a series of cases had arisen out of the increasing anti-Oriental feeling developing in the western states. In Denver, Colorado, in 1880, one Chinese had been killed and much Chinese property had been damaged. Although the coroner's jury had held that the police could have prevented the outbreak, the American government again had mentioned its lack of jurisdiction over the local officials. China had charged the United States with both a lack of due diligence and a denial of justice, but the State Department had admitted no responsibility and again had suggested the use of local courts to obtain redress. After repeated agitation by China, Congress in 1888 appropriated \$276,619.75 as "full indemnity for all losses and injuries"

15. Karlin, "Italo-American Incident," 52.

16. Moore, Digest, VI, 662-666.

sustained by Chinese subjects at the hands of American citizens.¹⁷ In 1865 at Rock Springs, Wyoming Territory, twenty-eight Chinese had been killed and fifteen wounded with almost total destruction of their property. In this instance the Chinese government approached the United States for an indemnity on the basis of good will and golden rule reciprocity rather than upon the principles of international law. The State Department had again replied that the United States was not responsible for the outbreak and had reminded China that the judicial branch of the government offered means of adequate redress. As a courtesy, however, Congress had finally voted an indemnity for the Rock Springs damage. It inexplicably had carried no direct reservation on the question of liability.¹⁸

In 1891 evidence of the growing anti-Italian sentiment in various parts of the country had been shown by the infamous "New Orleans Massacre." The customary reluctance of the federal government to admit any responsibility ultimately had resulted in the withdrawal of the Italian minister from Washington. As the grand jury had returned no indictments, the United States again had been charged with a denial of justice as well as a lack of due diligence. In the end, the United States had admitted liability and had paid a sizeable

17. Karlin, "Italo-American Incident," 80.
18. Moore, Digest, VI, 835.

indemnity to Italy, an exceptional procedure.¹⁹ In cases arising subsequently, however, the American government consistently refused to accompany indemnities with an admission of liability.

Italy obtained relatively few useful arguments from the cases arising on American soil but utilized a mass of favorable precedents substantiated elsewhere. On the other hand, the American secretaries of state felt constrained to adopt attitudes similar to those of their predecessors and were extremely reluctant to abandon the strong defensive position which had been built up for almost a century.

The United States immigration problem which reflected corresponding domestic difficulties in Italy was a third major consideration throughout the negotiations. The presence of increasing numbers of Italians in the United States attested to this dilemma. The Italian government realized that poverty forced many of its citizens to go abroad in order to maintain themselves and their families. Southern Italy especially faced crises caused both by nature and man. Relatively poor soil accentuated by erosion from

19. For an excellent detailed study of this incident, see Karlin, "Italo-American Incident." Camera dei deputati, legislatura XVII, sessione Unica, 1890-1892, Raccolta Degli atti Stampati, No. 17, 2:18-19, cited in Karlin, "Italo-American Incident," 201: "While the wrong was not committed by the United States directly, it is nevertheless felt that it is the solemn duty as well as the great pleasure of the national government to pay to Italy a satisfactory indemnity."

excessive deforestation, together with an insufficient supply of water, had combined to reduce the south, including Sicily, to a poverty-stricken agricultural area. Man had added to these burdens by the prevailing system of land ownership. Though the feudal estates and later the church lands had been divided among the landless serfs, ~~the~~ large estates soon arose again. The land had then been subleased to tenant farmers who could barely exist on the small plots allotted them. Heavy taxes and the lack of understanding which characterized the absentee landlords had increased the problems of the agricultural workers. These circumstances resulted in an ever-increasing flow of emigrants from southern Italy and later from Sicily, many of whom came to the United States.

Northern Italy suffered from many of the natural ills that affected southern Italy but in most cases to a significantly lesser degree. More rainfall, irrigation systems, more satisfactory tenant agreements, more small landowners, a generally higher standard of living, a less superstitious clergy, and a somewhat better school system combined to limit the overseas emigration from northern Italy.²⁰

Though the Italian government encouraged this exodus in order to support its remaining inhabitants, it still endeavored to maintain an extremely protective attitude toward its

20. Robert K. Feerster, The Italian Emigration of Our Times (Cambridge: Harvard University Press, 1919), 51-82.

citizens abroad. All legislation regarding emigration was directed toward binding the Italian working abroad as closely as possible to his home state. The obvious economic benefits of the sums sent home by the emigrants increased the efforts of the government to secure the ties between Italy and its citizens abroad.²¹ Plagued by a parliament composed of many parties, often hopelessly divided, and by rapid changes of ministries, the Italian government often found that the protection of injured Italians abroad was transformed into a vital political issue. The opposition generally attempted to show that the parties in power were not displaying the proper loyalty toward the emigrant Italians. Thus each attack on Italians in the United States could be expected to call forth violent reactions in Rome. The newspapers supporting the various parties usually launched spirited attacks on or defenses of the negotiations as they progressed. The Italian ambassador in the United States and the Italian minister for foreign affairs constantly had to consider the political currents in Italy and their possible effects on each step of the negotiations.

The domestic problems of Italy were reflected in the rapidly increasing Italian immigration into the United States.²²

21. Ibid., 474-478.

22. National Bureau of Economic Research, Inc., International Migrations (New York: National Bureau of Economic Research, Inc., 1929), I, 486, Table XXIX.

<u>Year</u>	<u>Total</u>	<u>North Italians</u>	<u>South Italians</u>
1899	77,419	11,821	65,597
1900	100,135	15,799	84,329
1901	135,996	20,324	115,659

With this influx the federal government began to exercise its control over the admission of aliens. In 1882 Congress passed the first act regulating immigration. This act provided that the owners of vessels bringing immigrants into the country should pay fifty cents per alien to provide a fund to aid in the orientation of the new arrivals.²³ The year 1885 brought the contract labor act. This forbade the prepayment of passage or other encouragement to aliens to sign contracts for work in the United States, with the exception of scarce skilled workmen.²⁴ In answer to the crying need for some definite supervision over immigrants, the office of the Superintendent of Immigration was authorized in 1891; and for the first time federal control over immigration was completely and definitely established with United States officials exercising the functions which the law of 1882 had delegated to the states.²⁵

During the succeeding years a strong movement for restricting immigration into the United States developed. In

22. <u>Concluded</u>			
<u>Year</u>	<u>Total</u>	<u>North Italians</u>	<u>South Italians</u>
1902	178,375	25,485	152,883
1903	230,622	34,571	195,993
1904	193,296	34,056	159,127
1905	221,479	35,802	185,445

23. Edith Abbott, Immigration: Select Documents and Case Studies (Chicago: University of Chicago Press, 1924), 181. (Hereafter cited as Abbott, Immigration.)

24. Ibid., 185.

25. Jeremiah W. Jenks and W. Jett Lauck, The Immigration Problem (New York: Funk and Wagnalls Company, 1922), 357. (Hereafter cited as Jenks and Lauck, Immigration.)

March of 1895, almost simultaneously with the lynching of Italians in Walsenburg, Colorado, a bill requiring a literacy test for immigrants was debated in Congress. Senator Henry Cabot Lodge pointed out that the

literacy test will bear most heavily upon the Italians, Russians, Poles, Hungarians, Greeks, and Asiatics, and very lightly, or not at all, upon English-speaking emigrants or Germans, Scandinavians, and French.

Though it was passed by both houses of Congress, it was vetoed by President Grover Cleveland, as Taft and Wilson were to veto similar bills later. Cleveland explained:

In my opinion it is infinitely more safe to admit a hundred thousand immigrants who, though unable to read and write, seek among us only a home and opportunity to work, than to admit one of those unruly agitators and enemies of governmental control, who can not only read and write but delights in arousing by inflammatory speech the illiterate and peacefully inclined to discontent and tumult.²⁶

Further changes in the control of immigration occurred in 1903 with the establishment of the Department of Commerce and Labor. The Commissioner-General of Immigration then functioned under the jurisdiction of that department. In 1906 the Bureau of Immigration and Naturalization replaced the old Bureau of Immigration and was charged with the additional duty of handling naturalization procedure.²⁷

The American naturalization laws themselves at times played an important role in the Italo-American negotiations over injuries to Italians in the United States. Several Italians lynched in the various outbreaks of mob violence

26. Abbott, Immigration, 193.

27. Jenks and Lauck, Immigration, 379-380.

had taken out their first naturalization papers. The State Department then faced the question of whether or not the injured Italians or their heirs could still appeal to Italy for intercession in their behalf. The practice of some states, including Louisiana, of allowing aliens who had taken out first papers to vote in state elections caused further controversy.

By 1895 certain basic facts regarding naturalization were clear, however. First, Congress under the Constitution had exclusive power over naturalization.²⁸ The existing law, passed in 1802, provided that competent state courts as well as federal courts would admit aliens to citizenship in conformity with the conditions stipulated in the statute.²⁹ These conditions were briefly as follows: The alien must first declare his intention to become a citizen at least two years before his actual admission to citizenship. This declaration would include his preliminary renunciation of allegiance to his former country. It was on the basis of this declaration that the State Department at times attempted to hold that the alien could no longer request the intervention of Italy in his behalf. It had been established even prior to 1895, however, that a declaration of intention did not

28. Constitution of the United States of America, Article I, Section 8, Clause 4.

29. U.S. Revised Statutes, 2165 (1878). "... before a circuit or district court of the United States or a district or supreme court of the Territories, or a court of record of any of the States having commonlaw jurisdiction, and a seal and clerk...."

confer citizenship.³⁰ The period after the first papers was merely an

interval between the declaration of intention and the final act of naturalization, in order that the person who proposes to become a naturalized citizen should have leisure to deliberate on the importance of the proceedings.³¹

An alien making such a declaration was thus still a citizen of his native state and as such was entitled to the protection of that state under the rules of international law. Nevertheless, there were serious and heated arguments on this point during the Italian-American negotiations over the lynched resident aliens.

Second, the law required the alien to take an oath to support the Constitution of the United States and in turn "absolutely and entirely" renounce all allegiance to his former sovereignty. Before taking this final step, the alien must have resided in the United States for at least five years and within the state or territory in which he was applying for at least one year. During this residence he must have proven himself a "man of a good moral character."³² This seemingly well-defined procedure raised questions of diplomatic import in three of the four cases of mob violence against Italians arising between 1895 and 1905.

Thus the occurrence of mob violence against Italian resident aliens called into play several factors which served

30. Moore, Digest, III, 336-353.

31. Fish to De Luna, April 22, 1869, 81 Dom. Let. 7, cited in ibid, 337.

32. U. S. Revised Statutes, 2165 (1878).

to complicate further the Italian and American diplomatic maneuvers. Both governments were constantly mindful of the influence that Italian politics and domestic problems, American immigration and naturalization procedure, international law and treaty obligations, and federal and state conflicts in the United States exercised during the negotiation of each diplomatic settlement. The power of these unrelated but vital elements was evident throughout the ensuing diplomatic negotiations between the United States and Italy.

CHAPTER II

The Walsenburg Episode, 1895

The chain of events which led to prolonged Italian-American diplomatic discussions began on a Sunday evening, March 10, 1895, in the mining camp of Rouse in southern Colorado. Rouse itself was inhabited almost entirely by coal miners, many of them foreign born, who worked in the immediate area. Most of the mines were owned by the Colorado Fuel and Iron Company. The nearest town was Walsenburg, some seven miles away, with about one thousand people.¹ Walsenburg appeared to be virtually controlled by three Farr brothers, Henry, D. E., and Jefferson, who owned a saloon, a slaughterhouse, a ranch, and some coal mines. Fear of "gunslingers" caused complete silence on the part of the community whenever violence occurred.² In the light of the area's past, the murder of a saloonkeeper, A. J. Hixon, the initial event in the diplomatic controversy, elicited little comment throughout the state.

1. U. S. Bureau of the Census, Twelfth Census of the United States, V. 1, Population, Pt. 1 (Washington: U. S. Census Office, 1901). The population of Walsenburg was listed at 1,033 in 1900. Of the 930 foreigners residing in Huerfano County, 163 were Italians.

2. Denver Republican, March 15, 1895, (microfilm). "The notorious Bob Ford, slayer of Jesse James, ran a dance hall in the town of Walsenburg for several years. Six of his pals from that place are now in the penitentiary for various crimes, but others are still on hand."

Hixon, originally from Arkansas, was a quiet, in-offensive man, well-liked in both Walsenburg and Rouse. About thirty-five years old and unmarried, he had lived in the camp about four years. On Sunday afternoon he had visited in Walsenburg, leaving for Rouse about nine o'clock. He had arrived safely as his horse was later found unsaddled and ready for the night. Between the stable and his boarding place, however, he had apparently been met by a number of Italians who had been heard celebrating in the streets. Between eleven and twelve o'clock, when the crime supposedly took place, the noise of the revelers had suddenly ceased. About seven o'clock the next morning, some men going to work found Hixon in the street, unconscious from a blow on the head. His assailants had apparently carried him about two blocks from the scene of the original attack. The workmen moved him to his boarding place where he died within the hour.

The hunt for the murderers began immediately with the aid of a trained bloodhound owned by the pit boss of the Rouse mine. Coroner D. W. Mathews and Deputy District Attorney Henry Hunter hurried to Rouse from Walsenburg to take charge of the investigation. With the aid of the bloodhound, nine men were under arrest by four o'clock Monday afternoon. Two of them, Lorenzo Andinino and Antonio Gobetto, were arrested in a nearby saloon on suspicion of

murder.³ Pete Rosetta and Frank Anrico were arrested in a cabin in the vicinity. These four implicated five others in the crime.⁴ The nine Italians were taken to the Huerfano County jail at Walsenburg for the night. The jail, destined to play its role in the tragedies to follow, was a one-story adobe structure with a large iron cage for prisoners in one of its two rooms.

The prisoners were returned to Rouse to testify at the coroner's inquest into the murder of Hixon the next day, Tuesday. The jury found that Andinino had been the principal in the unprovoked murder, aided and abetted by the others. Andinino was taken back to the Walsenburg jail in the afternoon while the others were held in Rouse until early evening. Four of the accused Italians--later identified as Pietro Giacobini, Stanislaw Vittone, Antonio Gobetto, and Francesco Ronchietto--were directly implicated in the murder. Before the inquest was over these four were loaded into a wagon, and about six o'clock two deputies were dispatched to take them back to Walsenburg. After their

3. The names of the Italians as submitted by the Italian ambassador are used throughout rather than the variations given in the newspapers.

4. Denver Republican, March 13, 1895. The names of the five additional men were given as: "Pete Jacobini, Francesco Ronchetto, one Corporalla, one Nijio, and one Nicholai whose Christian names are unknown." Jacobini was later officially listed as Pietro Giacobini and Ronchetto as Francesco Ronchietto.

departure the coroner's jury decided to release the other Italians and issued the expected verdict.⁵ Sheriff Walter O'Malley then departed for Walsenburg to take charge of the five Italians who had been held. Although threats of lynching Andinino had been heard throughout the inquest, the officers expected no violence.

According to the contemporary newspapers, the two deputies guarding the four Italians on the return trip to Walsenburg were thus caught completely off guard when they were accosted by a band of six or eight masked, armed men on horseback at the Bear Creek bridge about a mile from Walsenburg. The deputies later claimed that the noise of the wind had prevented them from hearing any warning sounds. All were ordered to throw up their hands. Deputy Charles Harriman, who had been riding on horseback behind the wagon, was ordered to "hit the road," a command emphasized with several shots fired at his feet. Deputy Sheriff Earl Danford waited with his hands in the air while the prisoners, crying for mercy, were ordered from the wagon. As they obeyed, Joe Welsby, the driver, either because he was excited or because the horses became unmanageable, abruptly made a suspicious motion and was instantly shot to death. In the

5. Fava to Gresham, March 27, 1895; Foreign Relations, 1895, 946. "That the said A. J. Hixon came to his death on the morning of the 11th instant in the town of Reuse, by being struck on the head by some blunt instrument, probably the weapon produced in evidence, the injuries being inflicted by the hands of Lorenzo Danino and others; and we further believe the same was committed with felonious intent."

excitement which followed, the Italians made a desperate attempt to escape, pursued by volleys from the masked group. Sheriff O'Malley arrived on the scene too late to apprehend either the masked band or the escaped prisoners. Ronchietto, wounded, was found that same night and taken to the jail at Walsenburg, joining Andinino and a German named Frank Olk, who was imprisoned for another crime. The fleeing Italians could not be located and were presumed to have escaped or been killed.

Exaggerated reports of the attack spread quickly to Walsenburg, causing general panic. Many, fearing more violence, armed themselves or took to the hills for safety. The telegraph operator at Walsenburg followed the latter course, despite the appeals for his services.

The excitement for the night was not yet over. Sheriff O'Malley requested volunteers to guard the jail. Only two men--Marshall William Smith and Henry Farn--responded; they went immediately to the jail and locked themselves in. About one o'clock in the morning, they later reported, someone knocked at the jail door. When asked who was there, a voice answered "Walt," referring to the sheriff. Upon opening the door the guards were confronted with a band of masked, armed men. In view of the overwhelming odds, they surrendered.

In a few seconds these citizens who were awake and in hearing distance heard the quick and rapid firing of guns. Well did they know what it meant. It was the death signal of the two Italians in the prison cage. They were shot like pigs in a pen.⁶

Part of the band, it was subsequently claimed, had gone into the cell where the two Italians, together with the German, were confined. Both Ronchietto and Andinino were shot with little ado, receiving four or five bullets each. Andinino died almost immediately while Ronchietto lingered about twenty minutes in terrible agony. Although the German was not harmed, he was warned to forget what he had seen.

The news of the night's events spread rapidly over the Walsenburg area. Though hampered by a raging snowstorm, men spent Wednesday searching for the three escaped Italians. Many believed that they, too, had been killed, their bodies hidden by the drifting snow. In the afternoon the body of one of them, Stanislas Vittone, was found covered with snow a short distance from the bridge. This discovery brought the number of dead to four--three Italians and the American, Joe Welsby.

In Walsenburg itself the coroner spent the day taking testimony on the deaths of Welsby and the two Italians. The coroner's juries held that they had been killed by unknown

6. Denver Republican, March 14, 1895.

persons.⁷ That evening District Attorney R. R. Ross arrived from Trinidad to take part in the investigation. Sheriff O'Malley, both publicly and privately, repeatedly regretted the unjustified killings.⁸

Thursday, March 14, brought warm winds to the Walsenburg area. As the snow melted, the search for the missing prisoners continued, with no success. A coroner's inquest was held for Stanislaw Vittone, resulting in a similar verdict of death by "unknown persons, the same being done with felonious intent."⁹ The investigation continued with the town maintaining an unbroken silence regarding the perpetrators, although many must have known the identity of the guilty.¹⁰ The fate of any investigation or judicial inquiry was presaged by the unshakeable unity which, through fear, the Walsenburg-Rouse vicinity presented to all who sought to penetrate the mystery of the lynchings.

7. Fava to Gresham, March 27, 1895; Italy: Notes to Dept. (Microfilm was used for all material from the National Archives.) "That on the 13th day of March 1895 at about 1 o'clock a.m. in the County jail at Walsenburg, Huerfano Co., Colo., Lorenzo Danino and Francesco Roncetto whose bodies we have examined came to there (sic) end by gunshot wounds inflicted by the hands of unknown persons with felonious intent." Denver Evening Post, March 14, 1895, carried a similar verdict for Welsby.

8. Denver Republican, March 15, 1895. Sheriff O'Malley was considered an able officer. He had proved himself efficient and capable during the miner's strike of the preceding summer which had culminated in 2000 miners camping for more than a week in Walsenburg itself.

9. Fava to Gresham, March 27, 1895; Foreign Relations, 1895, 946.

10. Denver Republican, March 15, 1895.

With the funerals of Joe Welsby on Thursday and of the other victims the next day, the Walsenburg populace seemed inclined to dismiss the incident and return to its normal life, although a half-hearted search for the two missing Italians still continued.¹¹

Meanwhile, United States and Italian officials in Denver, Washington, and Rome turned increasing attention to the lynchings in the remote town.

To Baron Severio Fava,¹² Italian ambassador in Washington, mob violence was nothing new in his dealings with the United States government. He had figured prominently in the diplomacy resulting from the New Orleans lynchings of eleven Italians in 1891. This controversy had culminated in the temporary disruption of Italian-American relations. Fava was therefore a veteran actor in the part he was to play in the Walsenburg lynching and two subsequent cases of mob violence. A skilled and therefore dangerous opponent, he carefully pursued a policy destined to secure

11. Sources for the general details not otherwise specifically documented are the Denver Republican and Denver Evening Post.

12. For further information, see Washington Post, April 2, 1891, and New York Herald, April 1, 1891, cited in Karlin, "Italo-American Incident," 101. Fava had seen thirty years of service in both Europe and South American and had been sent to the United States in 1881.

for Italy complete satisfaction for the insults endured. During the early negotiations over the Walsenburg events, Fava corresponded with Walter Q. Gresham, who served as Secretary of State from March, 1893, to May, 1895.¹³ Richard Olney,¹⁴ Gresham's successor, proved an even more able opponent for Fava. Though possessing no diplomatic experience, Olney brought to the office a keenly trained legal mind, combined with the ability to utilize unusual arguments and actions to obtain desired ends.¹⁵

Upon reading of the attack on the Italians at the bridge in the Washington newspapers Wednesday morning, Fava immediately sent the Marquis Imperiali de Francaville, the secretary of the legation, to the State Department with an excited letter of inquiry. As was customary, Fava requested that the state authorities be advised of their duty to protect the other Italians in the vicinity. He did not mention the specific treaty obligations of the United States in this first message.¹⁶ The State Department responded immediately by

13. For further information on Gresham's life, see Samuel F. Bemis, The American Secretaries of State and Their Diplomacy (New York: Alfred A. Knopf, 1928), VIII, 227-268. (Cited hereafter as Bemis, Secretaries of State.)

14. For further information on Olney's life, see ibid., 273-325.

15. Ibid., 281-282. He suggested the use of the injunction through federal courts to break the Pullman strike on the grounds of obstruction of the mails.

16. Fava to Gresham, March 13, 1895; Foreign Relations, 1895, 938-939.

wiring Albert W. McIntire, the newly-installed Republican governor of Colorado, to take the necessary steps to maintain order.¹⁷ Edwin F. Uhl, Acting Secretary of State, later that day visited Fava to express the regrets of the United States for the occurrence.¹⁸

Upon learning of the jail lynching which had followed the bridge attack, Fava abruptly departed from traditional diplomatic procedure and telegraphed Governor McIntire directly, rather than relying on State Department channels. His telegram, presumably a surprise to McIntire, read:

I warmly appeal to Your Excellency for efficient protection of the Italians at Walsenburg against mob violence. Many thanks.¹⁹

The State Department, undoubtedly taken aback by this action, exhibited a conciliatory spirit and took no official notice of the telegram at any time.

In addition to the telegrams from both Fava and the State Department, Governor McIntire in Denver received on Wednesday a visit from the acting Italian consul there, Dr. Joseph Cunee. Cunee likewise officially requested protection for the lives and the property of the other Italians

17. Uhl to McIntire, March 13, 1895; Foreign Relations, 1895, 940.

18. In subsequent cases Fava pointedly reminded the secretaries of state of this action of Uhl. In the Mahanville case this early regret was not made; the Department waited to receive the official report on the lynching.

19. Denver Republican, March 14, 1895.

in the Walsenburg area.²⁰ McIntire's answer was action. In two successive telegrams he directed Sheriff O'Malley in Walsenburg to maintain order and to prevent further violence. Despite replies from O'Malley that all was quiet, McIntire took additional security measures. The commander of the militia stationed at Pueblo promised to have troops in Walsenburg in three hours if needed. The railroad volunteered the utmost cooperation.²¹ Cuneo was then advised that the governor would

take such further steps as are necessary, and can be taken within the authority conferred upon me by law, to insure protection to the life and property of the Italians in custody in said Huerfano County, the same as if they were American citizens.²²

McIntire emphasized the similarity of treatment to both Italians and Americans because the Treaty of 1871 specifically guaranteed equal protection to Italians in the United States. The governor ended his busy day with a telegram to Fava shortly after midnight, assuring him that all was quiet and that everything possible would be done to protect the other Italians in the county.²³ The governor wanted to forestall any charge of a lack of due diligence toward these other Italians.

20. Denver Republican, March 14, 1895.

21. Denver Evening Post, March 14, 1895.

22. Denver Republican, March 14, 1895.

23. Ibid.

Early Thursday morning apprehension over Walsenburg increased when Cuneo received a telegram from the Italians there requesting his protection and adding that five men had been killed.²⁴ The Italians were evidently certain that the two escaped prisoners had been shot and could safely be added to the list of dead. Pending word from Washington, Cuneo replied ambiguously at noon, urging the Italians to have courage and promising to come if there were the least sign of danger.²⁵ When advised of this message, Fava instructed Cuneo to proceed to Walsenburg immediately.²⁶ Cuneo departed for Walsenburg that same evening, armed with ample credentials and guarantees of protection from McIntire.²⁷

In the meantime Sheriff O'Malley wired a complete report of the lynchings to McIntire, who in turn forwarded it to Gresham and Fava.²⁸ The report occasioned the usual diplomatic correspondence in Washington, still with no mention of Fava's telegram to McIntire. Despite the report of the sheriff, Fava advised Gresham that six Italians had been killed.²⁹

24. Denver Evening Post, March 14, 1895. "The Italians of this county anxiously desire help from you. Come to those unfortunate. Five men killed."

25. Ibid.

26. Denver Republican, March 15, 1895.

27. Ibid.

28. Ibid.

29. March 14, 1895; Foreign Relations, 1895, 939.

As the investigation continued and the details became repetitious, the newspapers began to analyze the results of the mob violence. The Denver Evening Post noted:

The common popular verdict in lynching cases, "served him right" will scarcely be passed and accepted as a final and satisfactory settlement of the whole matter.

After all, the Post pointed out, there was little possibility that these Italians would have escaped punishment for Hixon's murder if they had been guilty. In the New Orleans case, some of the Italians had already been found innocent after a trial and it had been feared that the others would be acquitted also. In the Walsenburg lynching, justice had not been given a chance to function. The killing of an officer of the law by the band of self-appointed judicial officials also marked the Walsenburg lynching as unique. The Post emphasized that the American people should not allow the right to a fair trial to be so frequently violated.³⁰

The Denver Republican examined the legal portents of the lynching, concluding that:

In the present case it will make small difference from a legal standpoint whether the slaughtered Italians were or were not guilty of the murder of the saloon-keeper, for by the terms of our treaty with Italy they should have had a fair trial before a regular court before being put to death.³¹

The question of naturalization then arose. The newspapers were the first to discover that some of the Italians had

30. Denver Evening Post, March 15, 1895.

31. Denver Republican, March 15, 1895.

taken out their first naturalization papers. The Republican felt that the declaration of intention by some of the lynched Italians morally made a difference in their status, though they had not completed the transition to American citizenship. It suggested that the American naturalization laws be modified to provide that a declaration of intention would include the forfeiture of the right to claim protection from the home government.³²

Righteous indignation characterized reports in periodicals such as Harper's Weekly and the Nation. Harper's asserted:

It is disregard for the law that is at the basis of all rioting--a lack of reverence for that which ought to be supreme in our form of government, and which must be supreme if republican government is to be successful.³³

The question of responsibility arose also, intermixed with further remarks on the disgrace brought to the United States by the lynching.

We may say that this disgrace is local. In a measure this is true, but in a still greater measure the whole country is responsible for conduct that, as the London News says, would not be out of place in the wilds of Dahomey.... If foreign citizens are wronged in these outbreaks, the nation and not the complaisant servants of the mob in the local administrations, must respond to the governments of the injured.³⁴

32. Ibid, March 18, 1895.

33. Harper's Weekly, March 30, 1895, 291.

34. Ibid, March 23, 1895, 267.

The Nation echoed these sentiments:

It is not a pleasant thing to have one's country stigmatized as unfit for diplomatic relations by reason of the lawless character of its inhabitants and the inability of its government to protect the lives of foreigners who have a right to be here.³⁵

The extreme moderation of the Italian government thus far in the proceedings was hailed with relief. An air of watchful waiting pervaded all the articles as the diplomatic events proceeded.

The Italian papers simultaneously began their discussions of the Walsenburg outbreak. La Tribuna, the most widely circulated of the Roman newspapers, said in answer to the expected argument of the inadequacies of the federal system that it was the duty of the federal government to "prevent the separate states from becoming asylums for assassins."³⁶ L'Italie, more restrained, suggested that the Italians understand the peculiar federal system and added that the lynching was not worth a diplomatic quarrel between Rome and Washington.³⁷ La Giornale hoped that the United States would act firmly in punishing the guilty and giving satisfaction to Italy.³⁸

35. Nation, March 21, 1895.

36. Denver Republican, March 15, 1895.

37. Ibid., March 16, 1895.

38. Ibid.

Back in Walsenburg, Cuneo arrived on the noon train Friday to investigate on behalf of the Italian government. Many of the Italians met Cuneo at the depot but he refused to discuss anything with them without first presenting himself to the officials of the town. He at once proceeded to the offices of Deputy District Attorney Hunter and Coroner Mathews. After being shown all the testimony and evidence, he commented favorably on the thoroughness of the investigation. He sent the principal facts of the case to Fava almost immediately, although his formal report was not written until his return to Denver. The day after his arrival Cuneo asked the mayor, the county officials, and some leading citizens to come to his hotel room. For an hour they held a lively but friendly conversation. Cuneo had spread American and Italian flags on the bed; he explained that he had finished his work in Walsenburg and had sent his report to Washington. He also read a telegram from Fava urging the officials to use every effort to find the men who had committed the crimes and asking them to see that Lorenzo Andirino, Francesco Ronchietto, and Stanislas Vittone received Christian burial. The doctor did not express any opinions on the affair beyond the fact that his government would proceed slowly. He thanked the officials and the citizens for the many courtesies they had shown him. It was noteworthy that Cuneo did not communicate with the Italians at any time during his visit to Walsenburg; indeed,

he refused to receive them when they called, saying he would communicate only with the proper officials.³⁹

That evening Cuneo received confidential information that one of the missing Italians, Pietro Giacobini, had been found and was in Cuchara. Both Cuneo and the sheriff immediately went there to hear his version of the bridge attack. Giacobini told of the holdup, the killing of Welsby, and his own escape. The prisoners had separated for safety's sake. Upon hearing a horseman approaching, Giacobini had climbed into a tree. He had then heard both Cittone and Ronchietto cry out as if shot. After waiting until the danger seemed to be over, he had come down and started onto the prairie. He had hidden in the brush Wednesday and Thursday. After wandering around all Thursday night still without food, he had collapsed in some underbrush. Some Mexican sheepherders had found him Friday afternoon and had taken him to a nearby house. The next day he had been moved to Cuchara, a town about twenty miles from Walsenburg, where Cuneo and O'Malley met him.⁴⁰ Giacobini told Cuneo that there had only been one man in the Bear Creek bridge attack and that the "deputy sheriffs made no resistance

39. Ibid, March 17, 1895.

40. Ibid, March 19, 1895.

whatever."⁴¹ In forwarding the report to Fava, Cuneo emphasized that Giacobini's statement disagreed with the facts previously ascertained.⁴² After the interview with Cuneo, Giacobini was taken to the Colorado Fuel and Iron Company hospital at Pueblo where his feet were subsequently amputated.⁴³ It was rumored that Gobetto was there also and that his feet were later amputated, but Cuneo made no mention of seeing him.

Not yet informed of the recent events in Colorado, Fava called at the State Department in person on March 16 and had a "pleasant" interview with Gresham.⁴⁴ Mutual expressions of good will again revealed that the State Department planned to take no official notice of the unprecedented telegram to McIntire. As Fava had not yet received the report of the consul in Colorado, he made mostly noncommittal remarks on the Walsenburg lynching. He apparently was biding his time until the information from Cuneo would be received and until local justice would have an opportunity to reveal its inadequacies. Later that day Uhl carried the negotiations a step further and set

41. Cuneo to Fava, March 21, 1895, Foreign Relations, 1895, 945.

42. See McIntire to Olney, March 9, 1896; Miscellaneous Letters for Giacobini's testimony at the grand jury hearing in February, 1896.

43. Denver Republican, March 19, 1895.

44. Ibid, March 17, 1895.

what was to be an important precedent by telegraphing McIntire again, officially reminding him of the Treaty of 1871 with Italy and the obligations of the United States government as a result of the commitments therein. Uhl praised McIntire's efforts thus far:

Your dispatches show your appreciation of the duty incumbent on the jurisdictional authorities to use every effort to secure to Italians, and all others menaced by unlawful force, full protection of life and property, and in case of wrongdoing against them that the guilty parties will be apprehended, brought to trial, and, upon conviction, duly punished.⁴⁵

This telegram was an important milestone in the diplomatic proceedings as negotiations in later lynchings proved. The Italian government considered the reminder, rightly or wrongly, as an indication of the realization by the United States of its treaty responsibilities toward Italians injured or killed by mob violence.

Saturday was also a day of activity in Denver. The legislature, now in session, took cognizance of the events which had transpired in the Walsenburg area. A joint resolution was introduced and passed in the House and the Senate condemning the mob violence at Walsenburg and exhorting the governor to do all in his power to secure the apprehension and punishment of those guilty.⁴⁶

45. March 16, 1895; Foreign Relations, 1895, 941.

46. Denver Republican, March 17, 1895. Text of the resolution as introduced in the House is as follows:

"Whereas, It is learned from reports published in the daily papers that several persons, some of them

After considering the telegram from Uhl and the resolution of the legislature, Governor McIntire issued a proclamation late that night offering a reward of \$1,000 for the arrest and conviction of all or any of the parties involved in the Walsenburg lynchings. Fava and the State Department were both pleased at this latest attempt to encourage local justice to give Italy satisfaction without the Italian government resorting to further diplomatic intervention.

With all the Italians at least tentatively accounted for and the final figures standing at three Italians killed and two injured in the mob violence at Walsenburg, both the State Department and Fava now turned in earnest to the matter of substantiating the nationality of the victims. The State Department had received no documented information on that all-important subject. McIntire had contented

46. Concluded

said to be citizens of a foreign country, at the time under arrest and in custody of officers of Huerfano County, this state, were shot to death by a mob of masked men on the night of March 12 last, and

Whereas, It is the desire of this legislative assembly to express its abhorrence and condemnation of such dastardly crimes against law and man, therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that we request his excellency, Governor McIntire, to use all the power at his command for the apprehension and punishment of the persons guilty of the wholesale butchery in Huerfano county, to the end that justice may be done and the supremacy of the law in Colorado be vindicated."

himself with vague promises to "take steps to ascertain the nationality of the deceased," coupled with meaningless assertions that he thought that two of the Italians had first and probably second citizenship papers, not mentioning any names.⁴⁷ The report of Cuneo submitted both to McIntire and Fava and ultimately to the State Department was the first positive indication of the status of the lynched Italians. Cuneo was certain that two of the lynched Italians, Vittone and Ronchietto, as well as the two Italians still alive, had taken out first papers. Andinino, Cuneo claimed, had taken no steps toward securing American citizenship. Cuneo also reported on the details of the lynchings, his account agreeing substantially with the newspaper reports. He concluded with words of praise for the cooperation of all the state and county authorities. In his report Cuneo transmitted only the facts as he knew them and left Fava to interpret and use them as desired.⁴⁸

With this report in hand, Fava abandoned the conciliatory, vaguely-understanding attitude which had characterized his communications to this point. He now adopted a decidedly aggressive position that provoked the State Department to action. When transmitting Cuneo's evidence to Gresham, Fava pointedly remarked that the report substantiated the fact

47. McIntire to Gresham, March 15, 1895; Foreign Relations, 1895, 941.

48. Cuneo to Fava, March 21, 1895; Ibid., 945.

that the local officials had made no resistance whatsoever in the attack at the bridge or the storming of the jail. He charged the United States with a failure to accord the protection demanded by due diligence under international law. In view of these facts, he held that the American government should make an "equitable adjustment" to Italy. He further contended that the three Italians killed were Italian citizens, blandly ignoring any argument that might be raised on the basis of the declaration of intentions. If this assertion were allowed to pass unchallenged, Italy would be justified in proceeding through diplomatic channels on behalf of the heirs of all those killed, should local justice not function to the satisfaction of Italy.⁴⁹

With the responsibility of the United States thus strongly under attack, the State Department was galvanized into action. Lacking the power to interfere directly, Gresham put the problem squarely in the hands of the Colorado authorities. After summarizing all the vague statements thus far received from McIntire regarding the nationality of the Italians, he urged immediate action to remedy the dearth of factual evidence:

The Department has not yet received the essential evidence upon that point which is necessary for a discussion of the subject with Baron Fava and a correct decision in the premises. . . .

Under these circumstances it will doubtless occur to you that the Department should be placed immediately in possession of any evidence tending to show the exact

49. March 27, 1895; Foreign Relations, 1895, 944-946.

political status of each victim at Walsenburg.⁵⁰
Even the camouflage of diplomatic verbiage could not disguise the insistence of this request.

McIntire replied a week later, adding exactly nothing to the State Department's information. He had, however, talked to the district attorney of the Walsenburg area and had informed him of the needs of the Department. He assured Gresham that the data would be forwarded as soon as possible. This was cold comfort to a State Department vainly trying to delay any definite statements on the responsibility of the federal government.

Partially to solve the irritation he knew would result from the lack of facts, McIntire broached the possibility of calling a special term of the district court to investigate the lynching. He had consulted with the district attorney but could reach no decision until the judge's opinion was secured. He partially nullified this cheering suggestion by reminding Gresham that the schedule for hearings throughout Colorado was extremely full and that changes required much planning.⁵¹

On May 7 Fava addressed a note to Gresham on another aspect of the affair. The personal papers of the three lynched Italians had been given to Cuneo when he visited Walsenburg. Cuneo had found that the Colorado Fuel and

50. To McIntire, April 5, 1895; Ibid., 946-947.

51. To Gresham, April 12, 1895; Ibid., 947-948.

Iron Company owed Ronchietto and Vittone a total of \$137.85.⁵² Upon learning of this, Fava had instructed Cuneo to claim this amount as the representative of the absent heirs. But an administrator had already been appointed by the county and had collected the money owed the Italians. Nevertheless, Fava officially asked the Department to request that Cuneo be appointed administrator for the estates of the lynched Italians.⁵³

The State Department seized this opportunity to demonstrate its cooperative attitude. On Gresham's death, Acting Secretary Uhl advised Fava that McIntire had recommended to the authorities of Huerfano County that Cuneo be made administrator.⁵⁴ Fava called personally at the State Department on June 6 to discuss the matter further and, even more important, to inquire about the plans for an early grand jury hearing.⁵⁵ As a result of this conversation, Richard Olney, newly-appointed secretary of state, wrote Fava two separate letters on these problems a week later. The first message informed Fava that the judge of Huerfano County would appoint Cuneo as administrator of the estates of the three lynched

52. The Company owed Ronchietto \$64.16 and Vittone, \$73.69.

53. Italy: Notes to Dept.

54. June 4, 1895; Italy: Notes from Dept.

55. June 13, 1895; Ibid.

Italians as requested. In the second communication, the State Department, realizing Fava's anxiety regarding the lack of a judicial investigation of the Walsenburg lynching, thankfully forwarded a letter which McIntire had received from District Attorney R.R. Ross of the Walsenburg district. Ross promised a grand jury investigation in October and even held out some hope that one might be scheduled earlier. He planned to consult Governor McIntire personally on the matter sometime later in June.⁵⁶ These plans evoked little enthusiasm from Fava, who felt that much time had already been wasted without investigation. Ross also promised to secure the data on the nationality of the victims as soon as possible.⁵⁷ Even though almost three months had elapsed since the lynching, the State Department still had little evidence upon which to take a firm position in dealing with Fava.

Two days later, June 15, the long-awaited information on the nationality of the three victims was received in the form of a letter from Fred Roof, clerk of the district court in Walsenburg. Roof confirmed the Cuneo report; his files revealed that Ronchietto had taken out his first papers in Walsenburg in July, 1894, while Vittone had taken out first papers in nearby Las Animas County. He had no evidence

⁵⁶. Ibid.

⁵⁷. Ibid.

that Andinino had taken any steps toward becoming an American citizen and reported that when Andinino had been asked that question at the Hixon inquest, he had answered that he was not a citizen of the United States. None of the three were naturalized American citizens, he concluded.⁵⁸ With little comment, Olney sent the report to Fava.

With the facts regarding the nationality of the victims on file, Olney prepared to deal with Fava's impatience and irritation over the delay in judicial proceedings in Walsenburg. He attempted to appease Fava by reminding him again of the anticipated conference of the governor with the judge and the district attorney. He continued with an explanation of the difference in the rapidity of judicial proceedings in cities and in "sparsely settled regions" such as Colorado. He reminded the envoy that districts in such areas generally comprised many counties with one judge attempting to cover the territory. In such regions usually not more than one term of court was held in each county in a year. The difficulty of arranging special sessions was thus apparent. Olney hoped to further calm Fava by noting that no session had been held in Huerfano County since the lynching in March.⁵⁹

During the remainder of the summer and early autumn the Italian embassy and the State Department maintained a deceptive silence regarding the Walsenburg affair.

58. To McIntire, June 15, 1895; Foreign Relations, 1895, 949.

59. Olney to Fava, June 25, 1895; ibid, 950.

The threat of mob violence at the Congress Mine, Arizona, provided a momentary diversion. Cuneo in Denver warned Fava of the possibility of violence against the Italian miners there by a self-appointed "Miners' Committee." Through the regular channels the governor of Arizona was advised of the danger and took the necessary steps to avert any outbreak of mob violence.⁶⁰

A memorable visit to the State Department by Fava on September 18 broke the summer's quiet. This was the turning point that inevitably occurs in any diplomatic negotiations. The nationality of the three Italians was assured; the men had been in the custody of local officers of the law when assaulted by the mob, a factor increasing government liability; and as yet none of the guilty parties had been brought to justice. As the State Department tacitly acknowledged, these facts tipped the balance in favor of the Italian government. The United States admitted the comparative weakness of its case by inviting Fava to formulate a demand for an indemnity. In this important conversation Fava preferred to leave the determination of the amount to the "high sense of equity and justice" of the American government. Olney in turn requested information on the families of those killed and injured at Walsenburg in order that an equitable indemnity might be arranged.⁶¹

60. Adee to Fava, July 17, 1895; Italy: Notes from Dept.

61. Fava to Olney, November 29, 1895; Foreign Relations, 1895, 953-954.

Fava complied with the latter request a month later, having gathered complete information on the families of the Italians involved. All of the men had left relatives in Italy who had been supported by their labor in the United States. Lorenzo Andinino, twenty-four years old and unmarried, was survived by two brothers and three sisters. Francesco Ronchietto, twenty-five years old, was also unmarried and had three brothers and two sisters. Stanislao Vittone was the son of unknown parents but had been brought up as a member of the Vittone family. He left a wife and three children. Pietro Giacobini, one of the injured Italians, was thirty-four years old and supported his nine year old son and his blind father. Antonio Gobetto, the other injured Italian, was twenty-four and had a wife and daughter. The families of both the killed and the injured were pictured as practically destitute, having depended on the labor of their relatives in America for subsistence. Fava concluded the note by again leaving it to the United States to suggest the proper indemnity.⁶²

With the exception of a formal acknowledgement of this supposedly vital information, Fava heard nothing more from the Department. After waiting more than a month, Fava addressed a thinly-veiled rebuke to Olney late in November, clearly revealing that the patience of both Fava and his government was rapidly waning. He commenced by summarizing the early

62. To Olney, October, 1895; ibid. 950-952.

actions of the Colorado authorities which had led him to believe that they "were firmly purposed to do all in their power in order to detect and punish the murderers." After recapitulating their unfulfilled proposals to schedule an early hearing before the regular session in October, Fava emphasized with due effect:

I need not remind Your Excellency how desirable it is to avoid delay in securing the detecting and punishment of the guilty parties, which is desired both by the United States government and that of the King and how much it would conduce to this object if the time for the session of the court in Huerfano County could be fixed at an earlier day, since the date mentioned by the district attorney of the third district in June last can no longer be considered correct.

He urged that the State Department take definite steps to expedite judicial proceedings against the perpetrators of the Walsenburg lynching.⁶³ As both Fava and the State Department realized, the United States left itself vulnerable to a clear charge of failure to provide any form of local redress by this unreasonable delay in holding a grand jury hearing. In addition, this delinquency pointed to a collapse of all semblance of justice on the county level, a calamity that could not be explained by the scarcity of population.

Fava pursued his advantage with another letter two days later, plainly indicating that some sign of action by the State Department would be very welcome. Fava reminded Olney in detail of their September conversation, occasioned by the request from the United States that Italy formulate
63. November 27, 1895; *ibid.*, 953.

a demand for an indemnity. Politely noting that much time had elapsed since he in turn had left the determination of the amount of the indemnity to the United States, he asked to be informed of the proposed sum, as his government was pressing him on the matter.⁶⁴

The underlying meaning of this note was plainly stated in the accompanying memorandum from the Italian embassy:

I think the time has come now to close the Walsenburg incident in a way which might be considered as satisfactory alike by both the Governments.

I am pleased to acknowledge that all through these negotiations I have received from the Department of State the assurances that nothing would be left untried to bring the authors of the Colorado lynching to justice, and that an adequate indemnity would be granted to the families of the victims.

But I am bound to say too that as far the good will (sic) of the United States Government, as well as of the local officials, has not been followed by any tangible result.

As far as I know no regular investigation has been made on the spot by the District Attorney awaiting the meeting of the Court, nor have I gathered from your successive communications about what amount the U.S. Government would be ready to grant as an indemnity.

This state of things, as you can easily understand, is not such as to bear a favorable impression upon my Government, who urges me to report the conclusions we have arrived during our negotiations. (sic)

This is the reason why I feel obliged to-day to insist upon the necessity that you should enable me to give to my Government the formal assurance that something will be done in the shortest delay to the purpose of complying with the exigencies of the justice and to alleviate the destitute conditions of the Italians families who suffered through the Colorado mob.⁶⁵

Olney replied almost immediately. Ignoring the indemnity for the present, he asked Fava to call at the Department in order that he might explain personally the reasons for the

64. November 29, 1895; ibid., 953-954.

65. November 29, 1895; Italy: Notes to Dept.

delay of the judicial investigation.⁶⁶ Although no record was made of the meeting, Fava was probably told that the existing mining strike in Walsenburg with the accompanying conflict between the Colorado Fuel and Iron Company and the miners made the area unsuitable for a fair and impartial investigation of the mob violence. The lawless element of Walsenburg was apparently strengthened by the presence of the striking miners, many of them Italian, belligerent and spoiling for trouble. In view of these events, the attitude of the citizens of Walsenburg would not be favorable towards the Italian miners.

In his Annual Message of December 2, President Grover Cleveland gave more immediate satisfaction to Fava and the Italian government. He officially advised Congress of the Walsenburg lynching and paid tribute to the efforts of the Colorado officials to find the guilty parties. He requested the indemnity desired by Italy by tactfully announcing: "The dependent families of some of the unfortunate victims invite by their deplorable condition gracious provision for their needs."⁶⁷

Late in December Fava addressed a private and confidential message to Olney, again expressing concern over the delayed judicial hearing. A report from Cuneo also had advised him

66. December 2, 1895; Foreign Relations, 1895, 954.

67. James D. Richardson, A Compilation of the Messages and Papers of the Presidents (Bureau of National Literature, 1911), VIII, 6065. (Cited hereafter as Richardson, Messages and Papers.)

that the Walsenburg strike would probably hamper any grand jury investigation. Fava then suggested the possibility of transferring the hearing to Denver or some other portion of the state in order to alleviate the pressure of local prejudice, and requested that Olney look into the matter.⁶⁸ Olney immediately broached the suggestion to McIntire, explaining the reasons behind the desire for the change.

The decision reached by Judge Jesse G. Northcutt and the Attorney General of Colorado, Byron L. Carr, was that "any action taken upon the matter under consideration by a grand jury outside of Huerfano County would be absolutely void."⁶⁹ When this decision was forwarded to Fava, he vouchsafed no reply to the Department.

The State Department now took decisive steps toward settling the troublesome issue. Olney submitted all the correspondence on the Walsenburg lynching to Cleveland the latter part of January, including the facts about the two men who had escaped from the bridge attack. When writing to the President, Olney clearly acknowledged the liability of the United States:

The facts are without dispute, and no comment or argument can add to the force of their appeal to the generous consideration of Congress. Three persons were killed outright while two others sustained injuries of a character the most disabling as well as

68. December 26, 1895; Italy: Notes to Dept.

69. Northcutt to McIntire; Foreign Relations, 1895, 956.

painful. The only question would seem to be the amount of gratuity in each case, which must rest of course wholly in the discretion of Congress. . . .⁷⁰

On February 3 Cleveland recommended to Congress that an indemnity be granted for the two men injured in the Walsenburg attack as well as for the families of the lynched Italians. In submitting the data, Cleveland omitted the acceptance of liability, thereby continuing the practice of admitting no liability for acts of mob violence in the United States:

Without discussing the question of the liability of the United States for these results, either by reason of treaty obligations or under international law, I venture to urge upon the Congress the propriety of making from the public treasury prompt and reasonable pecuniary provision for those injured and for the families of those who were killed.⁷¹

After the New Orleans case of 1891, the United States granted indemnities but displayed a characteristic reluctance to admit any liability whatsoever.

Just as the Walsenburg affair seemed to be reaching a satisfactory and routine solution, a startling new piece of evidence was introduced by Fava. On February 11 Cuneo had obtained an affidavit from Frank Olk, who had been confined in the Walsenburg jail with Andinino and Ronchietto the night of the attack. He had subsequently been sent to the state penitentiary. Olk's testimony contradicted many of the facts

⁷⁰. January 30, 1896; ibid., 938.

⁷¹. Richardson, Messages and Papers, VIII, 6097.

hitherto accepted as true by both the State Department and Fava. Olk said that the mob had consisted of only two persons, Henry Farr and William Smith, who had volunteered to "guard" the jail. Olk reported that the two men had come in, looked around, and left, only to return about a half hour later. They then had opened the cell door. Smith had stood between Olk and Vittone⁷², and Farr had stood before Andinino. Both Italians had been in bed. Smith had shot Vittone who had died twenty minutes later, while Farr had killed Andinino instantly. With the mattresses blazing from the gunfire, Smith and Farr had left. They had shot several bullets into the jail door as proof of attack. They had returned with two men, one identified as a Dr. Beard, and the four men had removed the bodies to the front of the jail. Olk testified that Vittone before he died had named Smith and Farr as two of the men staging the Bear Creek bridge attack. Olk added that he had been afraid to testify at the coroner's inquest because of the danger to his life.⁷³

72. Olk has confused Vittone with Ronchietto who was actually in the jail with Andinino that night.

73. Fava to Olney, February 18, 1896; Italy; Notes to Dept. The complete affidavit is as follows:

"Frank Olk being first duly sworn, on oath, deposes and says that he is now a convict in the State Penitentiary of Colorado, at Carson City; that he came from Walsenburg in said state where he resided before coming to the said Penitentiary.

"Affiant says that he was held in the County jail

On February 11, the day after Cuneo obtained Olk's testimony, the long-postponed grand jury hearing began in Walsenburg. The significance of the grand jury investigation was apparent to the State Department, the Colorado officials, and the Italian ambassador. If indictments were issued, the

73. Continued

at Walsenburg on the night of the shooting of the two Italians named Lorenzo Andinino and Stanislaw Vittone; that affiant says the mob consisting of two persons who came and shot said Italians at the County Jail; that affiant recognized Henry Farr who carried a candle in his hand; that affiant also then and there recognized William Smith who was then night policeman of the said town of Walsenburg; that the two men just named came in first and looked around the jail, and then went out and about a half hour later they came back again and then opened the cage or cell where the two Italians above named were kept and closed it, then again reopened the door to the cell or cage and left it open; said William Smith stepped between affiant and Vittone and said Farr stood right in front of Andinino; that both the said Italians were in bed; that said William Smith shot four or five shots at said Vittone and some of said shots struck said Vittone and Vittone died from the effects about twenty minutes after the shooting; said Farr shot two shots at Andinino, which said shots both took effect and produced the death of said Andinino almost instantly.

"During the shooting Vittone attempted to raise and Smith put his foot on his body and shot him again several times.

"Affiant further says that said Smith said to him (affiant) during the shooting, "Stay back you S.. of a B..."

"The mattresses were set on fire by the shooting. After the shooting was over the men went away and left the jail doors open. Affiant went to the outside door but afterwards came back in.

"Affiant further says said Farr and Smith returned in about fifteen minutes and shut the front door and they afterwards fired several shots into the front door. Smith did some of the shooting into the door with a rifle and said Farr shot with a pistol. Affiant was standing where he could see the shooting and finally Smith saw affiant and said to affiant, "You S.. of a B.. get back into the cage," pointing his gun at

State Department would be in a more favorable position to refute the Italian charge of a denial of justice. Though the results of the actual trial would determine the final fate of the accusation, the American government could point to the efforts of the grand jury as evidence of the efficiency and the good intentions of the local officials. If the murderers were ultimately punished, the charge of a denial of justice would undoubtedly be dropped. As satisfaction for the outrage would have been given, the charge of a lack of due diligence would also be eliminated. The United States would then be absolved of all responsibility for the lynching of the Italians.

Aware of the importance of this investigation, Cuneo accompanied Attorney General Carr to the hearing and served as the Italian interpreter. District Attorney Ross also

73. Concluded

affiant.

"Affiant further says that in a short time said Smith and Farr went away and later returned with two other men one of whom was Dr. Beard and the four men removed the bodies to the front of the jail.

"Vittone said, before he died, to affiant, 'Those two men,' referring to Smith and Farr, 'are the same persons who attacked us at the bridge at Bear Creek and shot me.'

"Affiant further says that when he was called before the Coroner's Jury at the inquest held over the bodies of the said Italians he deemed it unsafe to tell what he knew about the killing; that at said inquest he was confronted by the men who did the killing and they were armed and stood in front of affiant when he was called to testify."

Frank Olk

attended, although his deputy, Henry Hunter, conducted most of the examinations of witnesses. Hunter first attempted to obtain the complete facts regarding the attack on the Italians at Bear Creek bridge. One of the Italians who had escaped, Pietro Giacobini, returned to testify. He recounted in detail the assault, his flight, and his subsequent privations. Though the initial accounts had stated that a band of men had held up the wagon, Giacobini maintained that only one man had been responsible. Deputy Charles Harriman, who had been with the wagon, was then called; but he could add little. He had been about thirty yards behind the prisoners when two men had suddenly appeared and had forced him to dismount and lie in the road. Harriman admitted that after his attackers had left he had made no effort to ascertain the fate of the Italians. Instead, he had started toward town on the run. As he had passed the bridge, he had noticed a band of men gathered there but had not seen the wagon. In view of Harriman's palpable neglect of duty, Hunter concluded with the question:

Is it not a rather striking commentary on the efficiency of the sheriff's officers that four of these men all armed were held up and disarmed one at a time in different places?

Various Walsenburg men who had been in Rouse attending the Hixon inquest were then called to the stand. Among them was one John S. Flemming. He testified that he had left Rouse shortly after the wagonload of prisoners had departed.

He had been accompanied by William Smith, later a guard at the jail; D. E. Farr, a brother of the other guard at the jail; and John Caviness. Flemming and Farr and left the others a short distance from the mining camp and had proceeded to Flemming's ranch. Flemming had later returned to Rouse about eight o'clock and had seen Mathews and Hunter about a half hour later.

After Giacobini had had an opportunity to scrutinize closely the several men testifying, he was recalled to the stand. He was asked if he could identify the man who had held up the wagon. After inquiring if his life were safe and receiving affirmative assurances, he pointed to Flemming and said, "That is the man." Flemming was immediately brought forward for further questioning. He was asked under oath:

Mr. Flemming, if you have any statement of denial of the accusation of Petro Giacobino (sic), made here in this room a short time ago you may have this opportunity to make such statement to this Grand Jury at this time.

Flemming replied: "I positively say that the man is mistaken relative to my shooting the driver." He significantly made no direct reference to the attack on the Italians.

Subsequent witnesses then seemed to rally to his support. Despite Flemming's previous testimony, one William Clark, a miner of Walsenburg, said that he had seen Caviness, Smith, and Farr following the wagon but that Flemming had

not been with them. Henry Hunter, the deputy district attorney, testified that he had seen Flemming in Rouse after the wagon with the prisoners had left and before the inquest had been completed. He had met him again, he added, about five minutes after receiving word of the bridge attack. As the news had been telephoned from Walsenburg, Hunter stated positively that Flemming could not have been at the bridge.

After more fruitless questioning, the attention of the grand jury then turned to the controversial assault on the Walsenburg jail. Though Olk did not appear in person and no direct reference was made to his startling affidavit, the questioning of each witness was obviously based upon proving or disproving his testimony. When called to the stand, Henry Farr and William Smith, the two guards, told identical stories of the attack on the jail. Two men, they related, had kept them from interfering while two others had gone into the cell and had killed the Italians. When asked under oath if they had shot the Italians, they each replied that they had taken no part in the killing of the prisoners in the jail.⁷⁴

⁷⁴ Smith, for example, was asked: "Now if anyone makes a statement of the fact that you and Farr went in that cell and shot four or five shots at one of the Italians and that Farr shot two shots at the other, is that statement true or false?" Smith replied: "That would be false because there was nothing of that kind occurred (sic) between us."

The men who had come immediately to the jail upon hearing the shots were also closely questioned. One of them had seen two men running from the jail toward the nearby railroad depot. All of them agreed, however, that Smith and Farr could not have been the fleeing murderers as the two guards had met the townspeople in front of the jail almost immediately after vainly pursuing the unknown killers.

With this impasse the grand jury investigation seemed to fall of its own weight. Little further testimony was taken. After due deliberation, the jury found that the Italians killed at both the bridge and the jail as well as the American, Joe Welsby, had met their deaths "at the hands of unknown parties."⁷⁵ Attorney General Carr in his report to McIntire was forced to admit, however:

It appears that no special effort has since been made by the officers of the County to discover the perpetrators of the crime although the evidence shows them to be of the most deliberate and diabolical character. It is a remarkable commentary upon the efficiency or integrity, one or the other, of the sheriff's officers that on two different occasions during the same day two deputy sheriffs, armed with repeating rifles and revolvers, were "held up" while guarding helpless prisoners, and their prisoners murdered before their eyes without even one shot being fired in their defense.⁷⁶

The unsatisfactory verdict of the grand jury hearing ended all hope in the State Department of conclusively dis-

75. McIntire to Olney, March 9, 1896; Dept. of State: Miscellaneous Letters.

76. February 23, 1896; Italy: Notes to Dept.

proving the charge of a denial of justice. With little further ado, the American government proceeded toward the granting of an indemnity to Italy for the injury to that state resulting from the killing and maiming of its nationals. The Deficiency Appropriation Bill, passed June 8, 1896, more than a year after the lynching, included the following provision:

To the Italian Government for full indemnity to the heirs of three of its citizens who were riotously killed, and to two others who were injured in the State of Colorado by residents of that State, ten thousand dollars.⁷⁷

Considered in retrospect, the Walsenburg negotiations influenced the diplomatic and legislative treatment of incidents of mob violence against resident aliens within the United States.

In the opinion of the Italian government, the United States failed to discharge two primary duties of state responsibility under international law. The American government was charged with a failure to exercise due diligence to prevent the outbreak. Even the Colorado attorney general condemned the officials of Walsenburg. Italy also pressed its claim against the United States on the basis of a denial of justice, citing the outrageous grand jury hearing as further proof of the gross inadequacies of local justice in the United States. Italy

⁷⁷. 29 U. S. Statutes 267 (1896).

adopted an aggressive attitude in requesting an indemnity because its case rested on both a dual violation of the principles of international law and an evasion of treaty obligations. The United States, however, re-asserted its persistent reluctance to admit liability in cases of mob violence, notwithstanding its brief digression in the New Orleans episode. This refusal to acknowledge responsibility was a characteristic of the settlement of future outbreaks of mob violence within American territory.

During the actual negotiations Fava violated all rules of protocol and diplomatic procedure by wiring the governor of Colorado directly. His communications were always to be through the State Department as the representative of the federal government in foreign affairs. This was a new and dangerous technique. Fava was evidently pleased with the success of this maneuver as he adopted a similar course of action in subsequent negotiations when the occasion arose. In an effort to minimize the friction between the United States and Italy as a result of the Walsenburg lynching, the State Department took no official recognition of this unexpected circumvention of regular channels. Fava also claimed that the United States specifically recognized its treaty obligations to Italy in the telegram to McIntire reminding him of the Treaty of 1871. Fava attempted to magnify the importance of the message beyond all reasonable interpretation by insisting upon a similar telegram in the

succeeding negotiations. Perhaps the most outstanding of the precedents arising from the Walsenburg incident was the assumption by both Fava and the State Department that the declaration of intention did not negate the Italian nationality of the victims. When later secretaries of state tried to argue that a declaration of intention severed Italian citizenship, they found the Walsenburg negotiations an embarrassing example.

Thus in both theory and practice the Walsenburg diplomatic correspondence was to wield its influence over negotiations in future mob violence outbreaks.

CHAPTER III

The Hahnville Affair, 1896

Exactly two months after the settlement of the Walsenburg incident, another lynching occurred to threaten the temporarily peaceful relations between the United States and Italy. The scene was Hahnville, Louisiana, a small farm community about thirty miles from New Orleans. On Saturday night, August 8, 1896, a mob took three Italians--Salvatore Arena, Giuseppe Venturella, and Lorenzo Salardino--from the jail at Hahnville and hanged them.

Venturella and Arena had been awaiting trial on a charge of murder since early June. They had previously worked as agricultural laborers on the Ashton plantation near neighboring Boutte Station. They had been accused of killing an elderly Spaniard named Roxino who had made his living by moss-gathering on the same plantation. Venturella and Arena, upon entering that business themselves, had tried to force Roxino out. The two men at length had threatened to kill the Spaniard if he did not give up his moss-gathering, but Roxino had steadfastly refused. One morning he had been found dead in the woods. He apparently had met his enemies in the field as he had gone to look for moss. He had been beaten to death, and then his body had been dragged into the woods. The two Sicilians

had been immediately suspected. When questioned, they had incriminated themselves with conflicting stories. With their arrest, demonstrations suggesting a lynching had occurred but had been discouraged by police officers. As the two Italians had been unable to pay the bail of one thousand dollars each, they had been in confinement awaiting trial for two months when Salardino arrived.

Lorenzo Salardino had been brought to the jail on August 5 on a similar charge--murder. Three other Italians--Lugina and Connell Maroni and their son Joe--had been held as accessories. On Tuesday, August 4, Jules Gueymard, a planter and merchant living in Freetown, a short distance from Hahnville, had been shot and killed. He had been sitting on his gallery with friends awaiting the arrival of a boat with some goods. When the boat had sounded its warning whistle, Gueymard had arisen. As soon as he had gone a short distance from his friends, a shotgun blast had hit him in the throat, killing him instantly and wounding a nearby New Orleans engineer. The shot had been fired from behind a tree near the road, and the killer had escaped through the undergrowth.

Suspicion had immediately centered upon Salardino, who had a bad reputation in the town. His barber shop had failed, and he had recently returned to agricultural labor. He had threatened Gueymard's life because the planter had testified against him in a suit brought by his New Orleans

creditors. Upon visiting Salardino's boarding place, officers had found that his shotgun had been fired recently though Salardino had said it had not been used in three months. Even though presumably not aware of what had happened, he had specifically claimed he was innocent of the murder of Gueymard. Mrs. Maroni, at whose house Salardino boarded, had told the officers that he had come home with a gun and had told her husband not to speak of it or he would be sorry. Both Salardino and the Maroni family had been arrested. Excitement and talk of lynching the Italians had filled the town, but the sheriff and his deputy had told the people that they would kill the first person to lay a hand on the prisoners. Although the agitation had ceased, the sheriff had still been apprehensive and had taken Salardino into the woods for safekeeping until daylight. The prisoners had then been taken to the new, brick jail at nearby Hahnville. Extra guards had been summoned to prevent any attempts to lynch Salardino.

Popular feeling had grown in intensity as evidence was gathered against Salardino. On Thursday word had spread through the parish that Mrs. Maroni had confessed that when Salardino had come home that fateful Tuesday night, he had thrown down the gun, saying, "I got him." This had aggravated the popular rage, the people being convinced that Salardino was guilty. Many had feared that Mrs. Maroni would refuse to repeat her testimony in court, and had decided that Salardino should be dealt with im-

mediately. The plans had been carefully and secretly made. But, as the town had seemed quiet on the surface, the sheriff had become convinced that all possibility of trouble was over and had withdrawn the extra guards from the jail on Saturday, leaving Pierre Robert, the old negro jailer, in sole charge.

On Saturday night everything seemed to be normal. A ball was in progress a short distance from the prison, and any unusual activity could be attributed to the gay celebration. A band of about fifty horsemen gradually assembled and proceeded to the jail. The guard subsequently related that he was awakened by a shout announcing the arrival of a new prisoner. He was rather suspicious and refused to open the door; but before he could withdraw from the window, he was covered by guns. He was forced to take some of the band upstairs to get the prisoners. Salardino resisted and was knocked down with a gun, but Venturella and Arena submitted without a struggle. The Maroni family was not harmed. After the prisoners were outside, the men pushed the jailer from the yard, ordering him to leave immediately. The Italians were then taken to a shed near the jail, where a party of seven or eight men were guarding the ropes.¹ Nooses were put around the necks of the three Italians.

1. The events that took place in the shed were described by a New Orleans Times-Picayune reporter who had seen the men gathering and, surmising that they might be going to the jail, had taken a short-cut and had hidden by the shed to see what would happen.

Arena was taken to the southwest corner of the shed. He was asked if he had any final words. As he made no reply, he was immediately hanged. Venturella was next and was placed opposite Arena. "Go ahead, damn you," he was heard to shout; and he was hanged without delay. Salardino was then asked if he had any last words. He protested that he did not kill Gueymard. When repeatedly asked who did, he replied only, "He sleeps," adding that if there was a God they would all be punished. The body was then drawn up. A poor rope had been used and another had to be substituted, but at length Salardino was hanged for the second and last time. The men waited a half hour to be sure the three Italians were dead, then left as quietly as they had come.

The next day, Sunday, the news spread rapidly. A large crowd soon gathered to view the swinging bodies. The sheriff had not been notified until daylight as the jailer had been too frightened to report the night before. The coroner arrived about nine, and the bodies were cut down for an autopsy. The verdict of the coroner's jury was death by strangulation by persons unknown.²

In the meantime Baron Fava was vacationing at Bar Harbor, Maine, avoiding the August heat of Washington. Upon

2. The above facts regarding the lynching are from the New Orleans Times-Picayune, August 9 and August 10, 1896. In addition to Salardino, this paper listed the other two Italians as Decino Sorcoro and Angelo Marcuso. For the sake of clarity, the names as officially submitted by the Italian ambassador have been used throughout. This is undoubtedly another case in which the Italians had adopted aliases.

reading of the lynchings in the newspapers on Tuesday, he wired Olney for confirmation.³ Later that day, however, he received a corroboration of the lynching report from Carlo Papini, the acting Italian consul in New Orleans. He immediately wrote a lengthy letter to the State Department inquiring what measures had been taken to find the guilty parties. As the men had been in the custody of the American authorities, he implied that the outbreak could have been prevented if the officials had exercised even a minimum of due diligence in guarding the prisoners. In addition, the Treaty of 1871 between the United States and Italy guaranteeing the protection of Italians by American officials was formally invoked.⁴ Thus Fava, in contrast to the brief opening messages of the previous negotiations, early took the initiative. The State Department, in possession of even fewer details than Fava, was forced to the defensive at the outset. The Department at once took the customary initial steps toward obtaining the pertinent facts regarding the occurrence. In answer to an urgent inquiry from Washington, Governor Murphy J. Foster of Louisiana, replied that he knew little of the outbreak of violence but would investigate.⁵

With the Marquis Antonio Starabba di Rudini serving as premier, the Italian government took an immediate interest

3. August 11, 1896; Foreign Relations, 1896, 396.

4. Fava to Olney, August 11, 1896; ibid, 396-397.

5. To Rockhill, August 11, 1896; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 4.

in the occurrence. The premier during the Walsenburg negotiations, Francesco Crispi, had let Fava handle the entire settlement virtually without interference from Rome. Crispi had been more interested in his persistent though somewhat erratic efforts to increase Italian prestige within the family of nations.⁶ His successor, Rudini, formulated a policy of moderation, based on a coalition of the parties of the Left.⁷ He took an active interest in the progress of the Hahnville settlement from the outset.

When the first reports of the lynching reached Italy, the Roman newspapers immediately gave wide publicity to this latest outbreak of mob violence. Larz Anderson, the American charge, hurriedly forwarded copies of the most representative articles to Washington. Anderson also noted that the proximity of Hahnville to New Orleans had produced bitter association with the 1891 lynching in the minds of the Italians. This memory seemingly caused the Hahnville occurrence to become more important in Italy than the Walsenburg affair, which had progressed with little newspaper comment.

6. Arthur James Whyte, The Evolution of Modern Italy (Oxford: Basil Blackwell, 1944), 200-201. (Hereafter cited as Whyte, Modern Italy.) Crispi's encouragement of colonial expansion in north Africa had led to the disastrous battle of Adowa in the summer of 1896, culminating in Crispi's resignation and permanent retirement from public life.

7. Ibid., 204-206, and Karlin, "Italo-American Incident," 100-101.

Popolo Romano represented the newspapers in opposition to the Rudini ministry. Condemning the lynching, it suggested two alternative procedures to be pursued against the United States. The first was the organization of collective pressure by the European powers against the American government for tolerating such uncivilized outbreaks, as treaties with the United States would have no value while the federal-state framework existed. If Italy preferred to act alone,

it would perhaps be the case of studying whether it were still convenient to maintain treaties of friendship and commerce with a State which has not the conscience of its international duties, or, if it had, has not the authority to regard and make them regarded.

In stressing the inefficiency of the local officials, the paper called attention to the fact that the sheriff had been warned of the possibility of violence by the previous agitation. It then advocated his prosecution as being morally responsible for the occurrence. In conclusion, Rudini and Visconti Venosta, the Italian minister of foreign affairs, were urged to act with dispatch and dignity "as the interests of Italy require," since the paper feared that the American government would again try to avoid the obligations mandatory under international law and the Treaty of 1871.

In contrast, another Roman paper, L'Italie, thought to have received its information from official government sources, presented the views of the ministry. The paper strongly

censured the lynching and expressed the hope that this time the guilty persons would be punished. It also pointed out that Popolo Romano had concentrated on the lynching at New Orleans in 1891, virtually ignoring the Walsenburg case in 1895. L'Italie's explanation for this omission was that Crispi's government, favored by Popolo Romano, had been in power when the 1895 lynching had occurred. In consequence, little fuss had been made. With the opposition in control, many proposals for strong action were now forthcoming.

L'Italie then proceeded to censure the radical plans of Popolo Romano for breaking off all treaties of friendship with the United States or promoting collective action by the European powers. It calmly pointed out that the United States could stop Italian immigration and could even send home all unnaturalized Italians to solve its problem. Also ridiculing the suggestion of enlisting the aid of the European powers, the paper credited Visconti Venosta with too much sense even to consider that proposal. As lynch law had seldom or never been applied to the subjects of the other powers, the other nations would undoubtedly refuse to aid in solving a problem which they did not share.

Another paper supporting the ministry, Corriere della Sera, commented:

When we see, however, the population of a country which claims to be foremost in civilization, substitute themselves to the laws and without trial make away with some watched man, who defenseless and imprisoned awaits his judgment, in truth the question arises who are the less civilized, between us with our illiterate workmen using the knife and the mob of outlaws who slaughter them.

The paper then pointed out that emigration had been more strictly regulated in recent years so that those attempting to enter the United States without means of livelihood were returned to Italy. It praised the efforts of the special Italian emigration office on Ellis Island. While endeavoring to be fair, it concluded that such incidents could not be tolerated by civilized nations.⁸ Thus, although differing over Italy's next move, both conservative and radical papers were incensed over the lynching of the Italians at Mahanville.

Prompted by these reactions in Italy, Fava realized the gravity of the situation and abruptly terminated his vacation. He informed the State Department that he would call personally on August 15 to confer with W. W. Rockhill, the acting Secretary, on "urgent business."⁹ In order to forewarn the State Department of his position, he forwarded a telegram from Papini which promised that affidavits substantiating the Italian nationality of the victims were being sent immediately.¹⁰

On the strength of this expected information, Fava, still pursuing his policy of pressing the Department as closely as possible, monopolized the scheduled meeting with Rockhill. The Italian envoy immediately drew on the

8. August 13, 1896; Italy: Despatches.

9. August 13, 1896; Italy: Notes to Dept.

10. Papini to Fava, August 13, 1896; Foreign Relations, 1896, 397.

Walsenburg precedents to inquire why no official regrets for the incident had been extended to Italy as Uhl had done promptly upon the receipt of the news of the Colorado lynching. Not content with this, he asked if a telegram had been sent to Foster reminding him of the treaty with Italy and the responsibilities incumbent upon the United States under its provisions. Such a telegram had been sent to the Colorado governor, he recalled. Fava had not yet exhausted his barrage. He next turned to the question of the official report on the lynching. As Eahnville was only a short distance from the large metropolis of New Orleans, he wondered why the Louisiana governor had not yet submitted the necessary information on the occurrence. He concluded sarcastically that even the friendly Italian government could not understand the delay.¹¹ Fava's tactics of constant pressure were becoming more and more apparent, as the delay had certainly not been excessive. Only a week had elapsed since the lynching and it had been several days afterward when Fava and the State Department had learned of it.

Temporarily subdued by this rather aggressive attitude, Rockhill could only reassure Fava that "the President and the Department would take all proper steps with due promptness...." He lamely promised to urge the Louisiana governor

11. Memorandum, August 15, 1896; Italy: Notes to Dept.

to send the data to Washington as soon as possible.¹² Rockhill noticeably evaded the questions of the formal regrets to Italy and the telegram invoking the Treaty of 1871, waiting until he could reinforce his vague recollections of the Walsenburg negotiations with specific evidence.

After carefully reviewing the Walsenburg correspondence, Rockhill in the afternoon addressed a personal note to Fava enclosing the telegram sent to Foster in accordance with their conversation of that morning. Since a study of the New Orleans and the Walsenburg precedents showed that a reminder of treaty obligations had not been sent until the reports from the governor had been received, Rockhill did not officially call Foster's attention to the treaty with Italy. He cleverly added that, as Fava wanted precedents to be followed, it would not be correct to send the requested message at that early date. Again the acting Secretary ignored the early regrets extended by Uhl in the previous negotiations.¹³

Rockhill, however, urged Foster to send him as soon as possible information on the nationality of the three Italians and the results of the inquest.¹⁴ As no acknowledgement of the message was received, the State Department took cognizance of the fact that they had received nothing from the state

12. Ibid.

13. August 15, 1896; *ibid.*

14. August 15, 1896; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 5.

authorities beyond the initial promise to investigate. This extended silence caused increasing tension in the State Department. At length a second telegram was sent to Foster inquiring both if he had received the previous communications and also when the report on the Hahnville lynching might be expected.¹⁵

During the interval Fava had not been idle. He had proposed that the United States convey assurances of the proper settlement of the latest lynching to the Italian government through the American embassy in Rome. At first resisting this additional interference, Rockhill said this could not be done until the Louisiana report was on file. Shortly after advising Fava of this decision, he received the long-awaited telegram from Baton Rouge. It was a disappointment. T. Ambola Jones, Foster's private secretary, reported that the governor was temporarily out of the city but that he had ordered an investigation of the Hahnville affair.¹⁶ This discouraging news caused Rockhill to reconsider the proposal for assurances to the Italian government through the American embassy in Rome, as a letter that afternoon informed Fava. Rockhill had already cabled Wayne MacVeagh, Ambassador to Italy, instructing him to tell Visconti Venosta that "such action will be taken in the interest of justice as the facts demand."¹⁷

15. Ibid., 6.

16. Ibid., 6.

17. August 18, 1896; Foreign Relations, 1896, 398.

Fava responded with the affidavits he had received from Papini. The testimony of several close friends and relatives of Salardino, Venturella, and Arena agreed that none of the three had become naturalized American citizens, and thus were nationals of Italy at the time of their death.¹⁸ The receipt of these facts further complicated the position of the State Department which had received no official information on the Hahnville lynching. Every assurance that could be made without definite commitments had been given to Fava and his government. Without facts other than those supplied by the Italian embassy, the State Department was powerless.

Then on Friday, August 21, word came from Foster that he was back in Baton Rouge and was forwarding the report on the Hahnville lynching by mail that same day.¹⁹ Thankful to have something to report, Alvey A. Adee, Acting Secretary, immediately notified Fava of the message from Louisiana.²⁰ At last some signs of progress were imminent. Several days passed, and still the report from Foster did not arrive. By Monday, August 24, there was genuine concern in the State Department. A telegram to Foster advised him that the report had not been received and that some mishap in the mails was feared. A duplicate was requested.²¹

18. Fava to Olney, August 19, 1896; ibid., 398-401.

19. To Rockhill; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 10.

20. August 21, 1896; Foreign Relations, 1896, 401.

21. From Rockhill, August 24, 1896; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 10.

In the interim Fava received an indication of the attitude of the Italian government. Although politely thanking the United States for its assurances, Visconti Venosta plainly stated that these vague promises were not sufficient. Italy had been injured by the violent slaughter of her citizens. The Italian government wanted the United States to acknowledge its responsibilities under both international law and the treaties in force. In Italy's opinion, the United States had the dual duty of proving that it had exercised due diligence to prevent the lynching and, even more important, of seeing that those guilty of the outrage were punished. Seizing his advantage, Fava in turn asked Olney exactly what had been done toward the arrest and the conviction of the men who had committed the Hahnville lynching. He pressed the Department regarding its plans for the prevention of further outrages against the Italians entitled to protection under existing treaties. Fava relentlessly capitalized on the weak position of the State Department by regretting that he could not assure his government that all the necessary measures called for by such an outburst of violence had been taken.²² Fava's irritation was perhaps increased by reports of threatened violence against Italians in Keyser, West Virginia. But the quick action of the state authorities succeeded in averting

22. August 25, 1896; Foreign Relations, 1896, 402.

trouble.²³

In reply, Rockhill could only notify Fava that the report from Louisiana had not yet been received,²⁴ a delinquency on the part of the state authorities that was becoming more and more difficult to explain. Later that afternoon, a telegram arrived from Foster stating that the report would be mailed that evening.²⁵ Although he had made a similar promise days earlier, the news was welcomed by the State Department.

The next day Adee advised Fava of the latest telegram from Foster. In view of the delays of the past weeks, he was significantly vague as to when the facts would reach Washington. He merely informed Fava that "in a very short time we may be in condition, with knowledge of the essential facts, to give any further assurances which may be deemed due to the good relations between our countries...."²⁶

23. Rockhill to Fava, August 25, 1896; Italy: Notes from Dept. Rockhill had been previously notified of the threatened violence and sent Fava the following reassurance:

"I received late last night the following telegram from the Governor of West Virginia, in reply to the one sent him in the afternoon.

"Telegram received. Have already been apprised of arrest of Italian subject at Keyser and have wired Sheriff to use every possible precaution to defend prisoner. I have received a message from Sheriff saying there is no danger of mob and prisoners will be protected. You can assure Ambassador that prisoner will receive ample protection while in custody in this State."

24. August 25, 1896; Foreign Relations, 1896, 402-403.

25. To Rockhill, August 25, 1896; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 12.

26. August 26, 1896; Italy: Notes from Dept.

But the problem of the missing report was not yet solved. Two more days passed and nothing arrived from Louisiana. Finally, on August 28, another telegram was sent to Foster telling him that the promised information had not yet reached the State Department and asking when it might be expected.²⁷ Foster replied promptly that his secretary had mailed reports to both the State Department and the acting consul of Italy in New Orleans on August 25 as he had promised.²⁸ The mystery was finally unraveled when the Italian ambassador brought the report addressed to Rockhill, and the Department received the copy addressed to Papini. Foster's aide had put them in the wrong envelopes.²⁹ After a delay of almost three weeks, the official information from the Louisiana authorities on the Hahnville lynching was in the hands of the State Department and the Italian embassy.

The report, compiled by Emile Rost and Robert J. Perkins,³⁰ judge and district attorney respectively for

27. From Adee; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 14.

28. To Adee, August 26, 1896; ibid.

29. Adee to Foster, August 28, 1896; ibid.

30. A sarcastic reference to Perkins and the investigation was contained in Harper's Weekly, XL (August 29, 1896), 847. "District Attorney Perkins, of the St. Charles District, was requested by the Governor a few days ago to investigate the lynching at Hahnville, Louisiana, of three Italians, which has resulted in an international episode between Italy and the United States. Mr. Perkins was, of course, unable to find who were the gentlemen engaged in 'the affair,' but declares that he learned from the sheriff and the jailer that 'the lynching had

St. Charles Parish, was a staggering disappointment to the expectant State Department. Its brevity gave the Department little leeway in determining the detailed facts of the actual lynching. Although abbreviating the more emotional aspects of the events, the skeleton facts included in the summary did substantiate those given in the newspapers. Secondly, the report failed to provide conclusive evidence of the nationality of the victims, saying only that "the registration lists of the parish do not contain the names of any of the three men as registered voters in the parish of St. Charles." This vague statement, later to plague Olney in his efforts to develop a strong defense against the Italian charges, afforded little basis for refuting the Italian declarations that the men were Italian citizens. Thirdly, the judge and the district attorney obviously attempted to exonerate the local officials. Although explaining that the officers had thought that all possibility of violence was over, Rost and Perkins contradicted themselves by explaining that the intense feeling over the murder of Gueymard had caused the lynching. Further they held that the attack

30. Concluded

been orderly and quietly done.' It ought perhaps to be said, in explanation of this expression, 'a quiet and orderly lynching,' which may sound a little strange to some persons, that most of the lynchings in the Jefferson-St. Charles district have been very disorderly and noisy, and sometimes attended with riots, whereas the Hahnville party was peaceful and quiet, and merely captured the jailer, broke down the jail doors, smashed the cells, took out three men, and lynched them in the court-house yard. 'Quiet and orderly' will describe the action."

had been against the men as murderers, not as Italians, which in their opinion partially mitigated local responsibility. Some vague precedents that violence must show prejudice against a specific nationality were boldly used as fact. But even the judge and the district attorney admitted that "the results of the investigation so far are very unsatisfactory...."³¹

Faced with a dearth of factual evidence, the State Department attempted to obtain supplementary documents from Louisiana. Adee urged that the state fulfill its promises to use every possible means to locate the guilty parties. He commented to Foster on the negative character of the information regarding the nationality of the victims which did more to support the Italian position than to provide the United States with any helpful evidence. It was clear that Washington was displeased with the report but had decided to speak gently to Foster for the present in the hope of obtaining additional and more valuable data. The most significant part of the note was the official reminder of the Treaty of 1871 with Italy which guaranteed that Italians would receive protection of their lives and property equal to that accorded Americans upon their submitting to the restrictions imposed upon citizens. On the basis of the information thus far received, Adee admitted that the

31. Foster to Rockhill, August 25, 1896; Foreign Relations, 1896, 403-404.

Italians lynched at Hahnville were entitled to protection under the treaty.³² The impasse in which the State Department found itself was clearly evident, as this telegram had been delayed as long as possible in the hope of obtaining some proof that the Italians had severed their allegiance to Italy.

Fava had not waited to learn of this message. After receiving a copy of the obviously inadequate Louisiana report, he had apparently felt that the Italian views would prevail and had departed for the remainder of his interrupted vacation at Bar Harbor. While enroute he received the telegram informing him that the desired reminder of treaty obligations had been sent to Foster.³³

In replying Fava revealed his diplomatic finesse by again inquiring when the formal regrets would be officially extended, as Uhl had done so promptly in the Walsenburg case. Though the State Department had consistently evaded this question, Fava again pressed the issue. ³⁴

As August drew to a close, both the State Department and Fava paused to reconnoiter. Fava had successfully kept the Department on the defensive during the month. He had produced affidavits showing that the three lynched men

³². August 29, 1896; ibid, 405.

³³. From Adee, August 29, 1896; Italy: Notes from Dept.

³⁴. To Adee, August 30, 1896; Italy: Notes to Dept.

were Italian citizens. The official reminder of American treaty obligations had been sent to Foster after Fava's persistent urging while the Louisiana report, meager as it was, bolstered the Italian case. On the other hand, the State Department found itself constantly hampered by inadequate information. The Louisiana authorities were proving unreliable and incompetent. Fava seemed to stay one step ahead, always raising some new proposal or commitment that he favored. As yet nothing had been received to prove that the victims were not Italian citizens. The United States government was definitely left with a limited course of action, subject to constant pressure from Fava.

The communications now resumed a leisurely pace despite the unsettled condition of the Hahnville negotiations. As Fava had received no reply to his query about formal regrets, on September 6 he switched to a new line of argument. Realizing the strength of Italy's case, he was obviously attempting to speed up the negotiations. He proceeded on the assumption that the nationality of the victims had been proven to the satisfaction of the Department as no intimation to the contrary had been forthcoming. With the weight of evidence in his favor, he made the first specific demand for a settlement of the whole affair by tactfully expressing confidence that the United States would soon grant an indemnity to Italy for the destitute

heirs of the Italians killed at Hahnville.³⁵

But Rockhill refused to be stampeded into action. He curtly advised Fava that further steps would be taken to obtain more facts. The State Department decided that the general inadequacy of the Louisiana report and the difficulty of obtaining supplementary evidence warranted the sending of a special agent to Louisiana to investigate both the facts of the case and the nationality of the victims.³⁶ W. Hallet Phillips was entrusted with this mission. The function of the investigator from Washington was clearly established, however, as merely clarifying facts for use by the State Department in negotiating with the Italian ambassador. Although the report would be submitted to the state authorities, the Department could not exert pressure on them other than by the customary requests for action in the name of justice.

With both Fava and the Department hoping for favorable results from the investigations of the Washington agent, correspondence regarding the lynching virtually halted, pending the receipt of the Phillips report. Even the grand jury held in Hahnville on October 17 with its traditional result of no indictments provoked no comments from either side. After the arrival of the awaited report from Phillips on November 12, Olney took two weeks to prepare a surprise counterattack to the Italian assertions. After being forced

35. To Olney, September 6, 1896; Foreign Relations, 1896, 406.

36. September 21, 1896; ibid., 406-407.

to take a defensive, conciliatory attitude because of the lack of available data, Olney in his note to Fava on November 27 firmly rebutted many Italian claims.

He first attacked the alleged Italian nationality of the victims. Though possessing no evidence to document his unqualified statements, Olney declared that all three of the Italians had voted in the state elections and had lived in Louisiana for at least three years. As the Louisiana constitution provided that only aliens intending to become American citizens and possessing first papers could vote, then he held that the three Mahanville victims must have filed declarations of intention. Olney singled out Arena who supposedly had obtained his first papers four years earlier, on April 12, 1892. Olney used these unsupported statements to claim that the three lynched men were not Italians temporarily living in the United States but permanent residents.

They were contributing nothing to the resources or the wealth of Italy, were taking no part in her government, and were successfully evading the burdens of her military service.

By voting and participating in the government of Louisiana, the Italians had estopped themselves from invoking the protection of their home state, in his opinion.

Olney then proceeded to assert that no denial of justice could be charged, despite the fact that the grand jury had returned no indictments. He attempted to magnify the importance of the sparing of the other three Italians in the

jail to demonstrate that the alleged crimes and not the nationality of the victims were the cause of the lynchings.

As a third main issue, Olney deplored the practice of considering the Hahnville lynchings parallel in all respects to those of Walsenburg and New Orleans. At Walsenburg, for example, none of the Italians had voted in the state elections even though some had taken out first papers.

In the New Orleans case, out of the eleven persons of Italian extraction who were lynched, two were American citizens; five had declared their intention to become United States citizens and had voted; of the remaining four, three had neither voted nor declared their intention to become United States citizens, while one had declared such intent, but had not voted. To the four persons last mentioned the representations of your Government and its demands upon the United States through you were expressly limited. . . .

He held that demands had not been formulated for the five who had declared their intention to become citizens, although the Italian consul at New Orleans had said that this could be done. The Secretary of State firmly concluded that the Italians who so obviously were associated with the body politic of Louisiana were not subject to the protection of the Italian government.³⁷

Olney's note was a masterpiece of overstatement, geared to mitigate the aggressive, persistent efforts of Fava to show the United States as completely liable for the lynching. Olney counted on the surprise reaction to its contents to give him the necessary time to document his contentions.

^{37.} Ibid., 407-412.

Although he did have a month in which to gather additional evidence, he had not taken into consideration the delaying tactics of the Louisiana authorities. These were to hamper his conduct of this case up to the very moment of his leaving office.

In a formal report to Cleveland a few days later,³⁸ Olney reiterated the importance of the fact that the three Italians had participated in Louisiana elections, while disregarding the fact that he had not yet proved this. He firmly declared that the three men

by participating in the political affairs of this country and voting at elections must probably be regarded as having renounced their natural status. . . . Their cases being thus different from the prior instances at New Orleans and Walsenburg, when indemnity was offered to the relatives of such of the lynched men as were found to have remained faithful subjects of Italy. . . .

As this was a public report, Olney maintained that the officials had exercised due diligence in the protection of their prisoners and that the attack was against the men as murderers and not as Italians. Despite the bold denial of responsibility evident throughout the letter to Fava of November 27, Olney blandly assured Cleveland that the Department had not made any definite commitments as to whether

38. Bemis, Secretaries of State, VIII, 321-322. Olney was the only secretary of state to submit an annual report to the president though other executive departments regularly did. The practice was never followed by succeeding secretaries. Foreign Relations, 1896, xxvii-lxii. No mention was made of the Hahnville lynching in the Annual Message given December 7, 1896.

or not the United States accepted responsibility for any aspect of the Hahnville lynching.³⁹

Having committed himself to both the President and Fava, Olney now exerted all his efforts toward substantiating the statements he had made. He was forced to rely upon the unpredictable state authorities for aid. In writing to Foster, Olney indicated that the main obstacle to the pursuance of the defiant stand he had taken was the statement in the original Louisiana report that the men were not listed on the registration lists for St. Charles Parish. As the report had been sent to the Italian embassy by mistake, Fava knew of this finding. Olney desired specific documents showing that the Italians had voted, perhaps under aliases. If these were not obtainable, he requested statements of qualified persons to the effect that it was generally believed that the three victims had participated in the state elections. To substantiate further his extravagant claims, he asked for definite information on when and where Venturella and Salardino had taken out their first papers. In conclusion, he urged that Foster exert every effort toward locating this vital evidence. His understanding of the difficulty of the undertaking was clearly indicated:

The Italians of the class to which these persons belonged seemed to have little individuality, and are

39. December 7, 1896; Foreign Relations, 1896, LXXVII.

accustomed to live gregariously under various names and aliases, but principally to the fact that under some secret impulse or persuasion which pervades the entire community in which the deceased persons moved, absolute reticence on the subject of the lynching and the history of the victims is rigidly preserved. The comrades of the decedents positively refuse to give any information whatever concerning this affair or concerning the victims.⁴⁰

After this prodding, Foster replied with the requested statement to the effect that most planters checked to see that their men voted, and that it was generally believed that the three Italians had participated in the state elections. The remainder of his message was discouraging, as Perkins was finding it difficult to obtain further information from the uncooperative Hahnville inhabitants.⁴¹

On December 31, before any further evidence could be wrung from the Louisiana officials, the Italian reply to Olney's dynamic note of November 27 arrived. It was the long, well-argued, professional answer that Olney had probably feared. Fava at the outset said that the note of November 27 had come as a complete surprise to him and to the Italian government. After attempting to disarm Olney with his gentle opening remarks, Fava launched into a thorough, detailed refutation of each of the Secretary's contentions. Turning first to the all-important question of the nationality of the victims, Fava positively stated that the three men were not American citizens. Regardless of the

40. December 9, 1896; Sen. Ex. Dec., No. 104, 55 Cong., 1 Sess., 22-23.

41. To Olney, December 12, 1896; ibid., 24-25.

debatable facts of whether they had held first papers or had voted in the state elections, Fava judiciously reminded Olney that only the federal government had the power to determine the requirements for American citizenship.⁴² Looking at the matter from a purely legalistic point of view, Fava held that a declaration of intention, even if it could be proved, thus did not confer citizenship.⁴³ He resurrected the Walsenburg negotiations, saying that the four Italians involved had taken out first papers. Nevertheless, the United States had expressed regret over the lynchings and had voted an indemnity to the heirs of the victims as well as to the two injured Italians.

In view of this precedent, it can hardly be maintained that the subject to which you have now called my attention is one of those to which the two governments are entirely uncommitted.

The privileges granted to the Italian aliens under Louisiana law did not affect their status in relation to Italy either, Fava further declared. He enclosed a letter from a New Orleans attorney, Henry Chiapella, which explained that the privileges granted to the alien under the Louisiana constitution were based on future naturalization which

42. To Olney, December 31, 1896; Foreign Relations, 1896, 412-421. Fava cited two Supreme Court cases to uphold his contentions: Chirac v. Chirac, 2 Wheat. 259 (1817) and Osborn v. Bank of the United States, 9 Wheat. 738 (1824).

43. Ibid. "It is not, moreover, for me to remind your excellency, who is so thoroughly versed in legal affairs, of the universally accepted doctrine that 'mere declaration of intention does not confer citizenship.'"

might or might not occur. But the alien "is still under the allegiance of the foreign government, and competent to place himself under the aegis of its protection."

Olney's claims made on the basis of the declarations of intention and participation in the state elections were then directly attacked. Aware that the secretary had little or no evidence to support his broad assertions, Fava specifically asked where and when the Italians had voted and from which court Arena had obtained his first papers. He utilized the statement in the Louisiana report testifying that the men were not listed on the registration lists of the parish to weaken Olney's case. As additional evidence, he enclosed affidavits from five close acquaintances of the three lynched men to the effect that none of the victims had participated in the Louisiana elections.

Fava next proceeded to demolish the secretary's arguments about the residence of the Italians. He first rather sarcastically asked when and to whom the three Italians had declared that they would never return to Italy. To prove that the contrary was true, he forwarded affidavits testifying that all three had declared their intention of going back to Italy and that Venturella had purchased a ticket to Palermo a few days before his arrest. Fava clinched his point by inquiring why the three, assuming for the moment that they had taken out first papers, had not completed their naturalization if they intended to remain in the United States.

He also wondered why they had not sent for their families if they had definitely changed their residence, as Venturella had a wife and seven children, Arena a wife and small son, and Salardino an aged father. In addition, Fava proved that Venturella had performed his regular military service, while Arena and Salardino had been exempt as only sons. They thus could not be accused of avoiding their duties as Italian citizens. He claimed that the men had come to the United States for the sole purpose of supporting their families by their labor and had had no intention of severing their allegiance to Italy.

Fava then returned to his customary offensive position and officially charged the United States with a lack of due diligence. He contended that the report of the special agent censured rather than exonerated the local officials. Although the officers had heard talk of lynching when Salardino was arrested,

yet the sheriff, instead of taking his prisoners to a distant locality, where there was no reason to fear the violence of those who sought to take his life, preferred to take him back to Hahnville, to remove the guards from the jail three days afterwards, and prudently to retire to a place where he could not be disturbed, or informed in time of any attempt at lynching that might be made, thus abandoning the victims to the tender mercies of the assassins who were on the watch. Strange coincidence!

The ambassador added that negative as well as positive acts showed connivance, plainly indicating, in his opinion, that there had been collusion between the officials and the band of lynchers.

Fava had not yet finished. He then proceeded to charge the United States with a denial of justice in the strongest language possible, a classic statement that was to be often quoted whenever local justice in America was discussed.

It is true that the grand jury met and waited for the criminals to come forward and accuse themselves. As, however, they failed to do so for some good reason, the jury at once proceeded to condemn lynching and then adjourned.

Revealing an extremely strong undercurrent of anger and indignation, Fava held that the United States was liable for satisfaction to Italy on both counts--a lack of due diligence and a denial of justice. This was the climax of all his maneuverings and investigations.

In a rather offhand manner Fava did take the trouble to correct what he considered to be errors in Olney's interpretations of the New Orleans case. Fava's position was in essence: Of the eleven persons lynched, two were American citizens, four were definitely Italian subjects, and the other five had taken out first papers. Fava pointed out that his acceptance of the Italian consul's report on the lynching shortly after it had occurred implied his agreement with the consul's conclusions. That official had held that the five with first papers were Italian citizens. As the diplomatic rupture had occurred shortly after, Fava reminded Olney that he had not had an opportunity to clarify his opinion. He held that the indemnity of \$25,000 indicated that the

United States must have considered the five as Italian subjects also.

After discussing and refuting each of Olney's contentions, Fava concluded that the Italian government considered the Hahnville victims as Italian citizens and would proceed through diplomatic channels accordingly. In reiterating his demands for a satisfactory indemnity, he maintained:

The entire solution of the difficulty is found in the treaty in force between the United States and Italy; and by virtue of the treaty itself, and with a confidence which I have long cherished of the President and the United States government to have international agreements strictly observed, I have the honor to again present the request which I have already repeatedly presented to your excellency, that the guilty parties be sought and brought to justice; and that steps be taken to prevent the repetition of such atrocious crimes, and that, at the same time, just and adequate compensation be made to the families of the victims.⁴⁴

This note marked the turning point in the negotiations. Though desirous of returning with a strong restatement of his original views, Olney could not prove many of his controversial points. Fava had submitted affidavits to substantiate his arguments, while Olney was hampered by the lack of concentrated action on the part of the Louisiana authorities and the inherent weakness of some of his contentions. The weight of evidence was overwhelmingly in favor of Italy, and Fava relentlessly pursued his advantage throughout the closing days of Olney's term of office and into the early months of the new administration.

44. Ibid.

Before the State Department could digest this note and agree on a plan of action, Fava quickly utilized his tactical advantage and, on January 10, 1897, forwarded complete information on the families of the Hahnville victims. Each family was pictured as destitute as a result of the untimely death of its working relative in America.⁴⁵ This was an obvious maneuver for an early indemnity.

Still trying to maintain a good case, Olney delayed replying to Fava's notes and desperately asked Foster again for aid in contradicting and refuting the Italian affidavits. He suggested that it could perhaps be demonstrated that the testimony of the Italians carried little weight.⁴⁶

But Fava had no patience for any further investigations. Surmising that Olney was still endeavoring to prove that the declarations of intention and the alleged participation in state elections changed the political status of the Italians, Fava reiterated his arguments of December 31 in a note to Olney on January 27 couched in even stronger language. The three men lynched as Hahnville were Italian citizens, and the Italian government would protect their rights. He added that the Americans who participated in Hawaiian politics and Hawaiian elections were still regarded as American citizens. In his opinion, this situation was comparable to that of Italians in the United States. Again he concluded that the

45. To Olney; Italy: Notes to Dept.

46. January 19, 1897; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 35.

Hahnville victims were subjects of Italy and would be treated as such.⁴⁷

Olney still had heard nothing from Foster. At length on January 30, Olney acknowledged receipt of Fava's three notes but made no comment.⁴⁸ To Fava this indicated that the State Department was still having difficulty in obtaining any evidence to weaken the Italian case. The Department's prolonged silence during the month of February probably strengthened Fava's conviction that little aid was forthcoming from the Louisiana officials to Olney. Olney late in February again reminded Foster of his promises to aid in the Hahnville negotiations. With the knowledge that a new administration would soon be in office, Olney urgently requested that any information be forwarded immediately, as he did not want to leave the State Department without answering Fava.⁴⁹ Foster did not even vouchsafe a reply.

On March 5, 1897, Richard Olney ended his term as secretary of state without having been able to answer Fava's assertions. John Sherman,⁵⁰ the incoming secretary, now faced the problem. He held an interview with Fava to discuss the Hahnville case. Fava immediately presented Sherman with a long note summarizing all the Italian evidence. He

47. Foreign Relations, 1896, 421-422.

48. Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 36.

49. Ibid.

50. For further information, see Bemis, Secretaries of State, IX, 1-23.

took a firm stand, feeling that Olney's failure to reassert his previous position showed that the State Department could be forced to accept its responsibilities. As the notes of late December and January had proved that the Hannville victims were Italian citizens who were guaranteed the minimum protection under the Treaty of 1871, Fava asked that a recommendation for an indemnity be promptly submitted to Congress.⁵¹

Sherman made little effort to challenge the Italian position as no supplementary evidence had been received from Louisiana. On the basis of the information on hand, the State Department had little choice but to proceed on the request for an indemnity. On March 17, Sherman advised Fava that an indemnity of \$6,000 without reference to liability had been recommended to the President for transmission to Congress.⁵² Despite the careful documentation of the Italian charges, the United States again side-stepped the question of responsibility.

Even this strategic retreat did not halt the efforts of the Department to obtain information to strengthen its case in the final negotiations with Italy. During the latter part of March, Foster was again pressed for additional data. The President added his voice to that of the State

51. March 13, 1897; Sen. Ex. Doc., No. 164, 55 Cong., 1 Sess., 37.

52. Foreign Relations, 1897, 353.

Department, saying that even Congress desired more facts.⁵³ Foster replied only that he had acquired no additional evidence since that sent in December, but he would again communicate with the local authorities.⁵⁴ Finally on April 6 he forwarded the long-awaited supplementary report on the Hahnville lynching submitted by District Attorney Perkins. The report was noteworthy for its brevity, reading simply:

Would say in reply that I have not been able to obtain any further information since I last reported to you in the matter.⁵⁵

Perkins' worthless reply ended any possibility of proving that the men were not Italian citizens or clearing the United States of the charges of a lack of due diligence and a denial of justice. Sherman acknowledged defeat in his summary of the facts of the case addressed to McKinley on April 29. He again recommended that Congress vote an indemnity of \$6,000 without reference to the question of liability.⁵⁶

Almost two months passed with no Congressional action. Late in June Fava grew impatient and wrote directly to President McKinley about the delay in the Hahnville

53. From Rockhill, March 29, 1897; Sen. Ex. Doc., No. 104, 55 Cong., 1 Sess., 38.

54. To Rockhill, March 30, 1897; ibid.

55. To Rockhill; ibid., 38-39.

56. House Ex. Doc., No. 37, 55 Cong., 1 Sess., 1-3.

appropriation. This again was an extremely irregular step as Fava's communications were to be addressed exclusively to the State Department, by protocol the representative of the President in foreign affairs. The same tendency which prompted Fava to circumvent diplomatic procedure in the Walsenburg case with a letter directly to the governor of Colorado again was revealed. When he thought Italy would benefit, he ignored protocol. Having heard that the Senate wanted further investigation of the Hahnville lynchings, Fava irately made his position plain to McKinley:

But what more investigation can be required after the investigation, instituted by the last and by your administration, has proved the glaring untruthfulness of Mr. Olney's attentions and arguments; few cases have been so thoroughly discussed and investigated with so clear a result, that you have personally indorsed and recommended the measure of helping the poor innocent heirs of the murdered men.

He added that additional delay would make a bad impression in Italy.⁵⁷ He reaffirmed this belligerent position in a similar letter to Sherman. At the suggestion of McKinley, the notes were referred to the Senate Committee on Foreign Relations and the House Appropriation Committee as an incentive to action.⁵⁸

Although vacationing at Ardsley-on-Hudson, New York, Fava persisted in his efforts during the early part of July. On July 10 he wired the State Department, asking if the

57. June 24, 1897; Italy: Notes to Dept.

58. Sherman to Fava, June 29, 1897; Italy: Notes from Dept.

indemnity had been passed.⁵⁹ He was notified that the provision for a \$6,000 appropriation for the heirs of the men lynched at Hahnville had been inserted in the General Deficiency Appropriation Bill.⁶⁰

Fava's efforts resulted in success, as the indemnity was passed on July 19.⁶¹ The State Department officially notified Fava of the success of the bill on July 30, enclosing a check for \$6,000 to be distributed by the Italian government to the heirs of the Hahnville victims, without reference to the question of the liability of the United States.⁶² With the acceptance of the indemnity the following day, the Hahnville negotiations came to an end almost exactly a year after the outbreak had occurred.

The Hahnville negotiations were another example of an incident in which the United States was charged with a dual violation of the principles of international law and of treaty obligations--a lack of due diligence in preventing the lynching and a denial of justice in investigating and

59. To Gridler; Italy: Notes to Dept.

60. Adeo to Fava, July 10, 1897; Italy: Notes from Dept.

61. 30 U. S. Statutes 106 (1897). "To pay out of humane consideration and without reference to the question of liability therefor, to the Italian Government, as full indemnity to the heirs of three of its subjects, Salvatore Arena, Giuseppe Venturella, and Lorenzo Salardino, who were taken from jail and lynched in Louisiana in eighteen hundred and ninety-six, six thousand dollars."

62. From Adeo; Foreign Relations, 1897, 353-354.

prosecuting those guilty. Although evidence for the charges could be demonstrated, the United States again refused to admit liability, granting an indemnity out of humane consideration.

In this case, the determination of the nationality of the victims was complicated by their alleged participation in state elections based on their declarations of intention to become American citizens. The Hahnville negotiations, therefore, added another precedent to the principle that a declaration of intention does not confer citizenship nor prohibit the alien from claiming the protection of his home state.

This case is also noteworthy for the futile attempt by the State Department to prove that the United States could not be held responsible as the attack was against the men as murderers, not as Italians. Although the Department tried to use this as a partial exoneration, Italy never accepted the explanation, thus adding weight to the argument that proof of malice against a specific nationality need not be conclusive in order for the claimant state to intervene on behalf of its national.

Justification for many of the complaints against the federal-state division of powers found ample illustration in the obstructionist and delaying tactics of the Louisiana authorities on both the state and local levels. The Department adopted a new and radical procedure in attempting

to counteract this failure. A special government agent was dispatched to Louisiana to investigate for the Department. The fact which he uncovered were to be used by the secretary of state in his negotiations with the Italian ambassador and only incidentally would be submitted to the state authorities. The United States government could not compel the state authorities to act upon any information thus discovered. This technique enabled Olney to write his decisive but rather aggressive note to Fava though the recurrent lack of further evidence later proved fatal to his efforts.

Fava again deviated from diplomatic procedure by corresponding directly with the President rather than with the State Department in urging the early passage of the indemnity. Fava showed an increasing tendency to ignore diplomatic custom when he felt direct action beyond the confines of protocol would result in benefits for Italy. He utilized the hasty regrets extended by Uhl early in the Walsenburg negotiations to harass the Department after the Hahnville lynching. Further, he resurrected the message to the Colorado governor reminding him of the treaty with Italy and requested a similar telegram early in the Hahnville communications. These maneuvers illustrated Fava's penchant for utilizing any act on the part of the American government in previous cases that might redound to the benefit of Italy.

Thus the Hahnville lynching and the resulting diplomacy further clarified the treatment of cases of mob violence against resident aliens in the United States.

CHAPTER IV

The Tallulah Outbreak, 1899

Two years of relative peace in Italo-American relations ended on July 20, 1899, with the lynching of five Italians at Tallulah, Louisiana. Tallulah itself was a sleepy agricultural town in the central part of the state, which served as county seat for Madison Parish. Its total population numbered perhaps five hundred to six hundred inhabitants. The July grand jury session, however, had swollen the normal population and had created an air of restrained excitement.

Five Italians made their home in Tallulah proper, peddling fruits and vegetables in the surrounding countryside, from their stores in the town. Francesco Diffatta owned a store on Main Street where he and Giovanni Cirano, a close friend lived. Francesco Diffatta's two brothers, Carlo and Giuseppe Diffatta, had a store around the corner on Cedar Street, and they lived together in a house next to their business. Syha Deferach, the fifth Italian, was the owner of a store several blocks away.

The mass lynching began with an ordinary incident. On the night of July 19, Dr. J. Ford Hodge, the parish coroner, shot one of Francesco Diffatta's goats which had been continually running over the gallery of the doctor's combined office and residence. The next day Francesco angrily

challenged Hodge to a fight, but Hodge simply ordered the Italian to leave. Though Francesco complied, this was not to be the end of the quarrel. The three stores of the Italians significantly remained closed all that day. Toward evening Carlo and Giuseppe Diffatta returned to their store, knowing that Dr. Hodge would pass by on his way to his boarding place at the Kauffman home. That day, contrary to custom, Kauffman accompanied the doctor. As they reached the store, Kauffman spoke to the Italians but received no answer. As Dr. Hodge approached, Carlo struck the doctor with his fist and accused him of killing the goat. Hodge hit back and then tried to draw his pistol. At this point, Giuseppe raised a shotgun and fired two loads at the doctor, striking him in the hands and abdomen. At the sound of the shots, Francesco Diffatta, Syha Deferach, and Giovanni Cirano ran toward the scene carrying shotguns and long knives. They came from Francesco's store, where they had evidently been awaiting developments.

The shooting rapidly attracted a large crowd. Numerous men aided the sheriff and his deputies in disarming Francesco Diffatta, Syha Deferach, and Giovanni Cirano after a struggle. The three were immediately taken to the jail. The sheriff and his men then proceeded to the house where Carlo and Giuseppe lived and, after battering down the door, captured Carlo. The men searched the store and the house and at length found Giuseppe hiding under the chimney. As the

sheriff was taking Carlo and Giuseppe to jail, the crowd of citizens overpowered him and took the two Italians to the pens in the slaughterhouse. With little ado, the two were hanged from the gallows used for slaughtering cattle.

The mob then proceeded to the jail. After subduing the guard, they brought out Syha Deferach, Francesco Diffatta, and Giovanni Cirano and hanged them from an oak tree in the jailyard. Though many citizens pleaded for the lives of the Italians, the crowd did not relent; it was orderly but determined.

Still believing that Dr. Hodge was dying, the mob decided to rid the entire parish of Italians. They turned toward Milliken's Bend, a small town about seven miles away, where Giuseppe Defina and his son owned a small store and farm. On the way, the crowd met a Mr. Ward who persuaded them to give Defina two hours to leave the area forever. Ward sent the message back to Milliken's Bend by a Dr. Ganes who had been treating Hodge in Tallulah. Knowing it would be dangerous to leave by land, Defina immediately procured a small skiff and proceeded to Vicksburg via the Mississippi River. He abandoned all his possessions at Milliken's Bend.

Thus in the short space of twenty-four hours the entire Italian population of Madison Parish had been eliminated, with five men arbitrarily killed and two ordered

to flee for their lives.¹

In Washington Count V. C. Vinci was charge of the Italian embassy during Fava's absence in Rome. When he received news of the lynching, he dispatched the usual excited inquiry to John Hay,² the first secretary of state in many years to have any diplomatic experience. Hay in turn immediately wired Murphy J. Foster, who was still serving as governor of Louisiana, for confirmation of the events. Anxious to learn as much as possible about the Italians early in the negotiations, he specifically inquired if the lynched men were Italian citizens or naturalized Americans.³ The Hahnville negotiations had clearly demonstrated the importance of ascertaining the status of the victims as quickly as possible. Foster replied with his customary promise to send all information to the State Department as soon as possible.⁴

Italian politics were destined to play an increasingly dominant role in the negotiations to follow. The ministry of General Luigi Pelloux of Piedmont had been reorganized to represent almost exclusively the conservative Right, and a parliamentary battle with the Left was raging over an attempt to legalize the power of the government to suppress

1. The details of the lynchings are from the New Orleans Times-Picayune, July 22, 1899, and July 23, 1899.

2. For further information, see Bemis, Secretaries of State, IX, 116-189.

3. July 22, 1899; Foreign Relations, 1899, 440-441.

4. To Hay, July 22, 1899; ibid., 441.

riots and insurrections. Pelloux's anger and stubbornness increased as the prolonged struggle produced few results. He then attempted to modify parliamentary procedure by introducing measures to limit the length of speeches and to remove "disorderly" members. The Left, considering unlimited freedom of speech vital, strongly resisted these maneuvers.⁵

The State Department realized the adverse effect that the news of the lynching might have upon the unstable Italian political situation. To forestall any violent reactions that would result in drastic actions against the United States, a telegram was dispatched to William Draper, American ambassador to Italy, on July 24. He was immediately to inform the minister for foreign affairs that the governor of Louisiana was investigating the lynching and that the United States government would "take all legal steps to secure justice which the facts may warrant."⁶ This vague reassurance was virtually an empty gesture so far as Italy was concerned, as the newspaper articles forwarded by Draper ignored it completely.

La Tribuna, representing the views of the Pelloux ministry, again condemned the practice of lynching and held that the American government was responsible for "putting an end to a state of things which constitutes not only a judicial infamy but is characteristic of social degeneration."

5. Whyte, Modern Italy, 207-210.

6. From Hay, Foreign Relations, 1899, 441.

It emphasized that Italians were virtually the only Europeans to suffer from lynch law in the United States. La Tribuna held that Americans realized that the Italians were "positively abandoned" by their native state and therefore open to attack. Thus, in addition to requesting both an indemnity and adequate punishment of the lynchers, the Italian government should so "regulate its public policy that Italian citizens wherever they go bear with them the majesty, the defence, and the respect of their country." In contrast to its strong censure of the United States in previous lynchings, La Tribuna concentrated mostly on the faults of earlier Italian policy, urging even stronger assertions of protection over Italians abroad.⁷

L'Italie, representing the Left, also dealt relatively gently with the United States. After summarizing its grievances against the federal system, it philosophically remarked: "However, the American Constitution is what it is, and must be accepted." Then turning to the question of Italian policy, L'Italie took the opposite point of view from its rival, La Tribuna. It advocated limiting the amount of protection extended to Italians abroad, maintaining that "it is absurd to wish to protect two million men scattered to the four corners of the earth, and who expatriated themselves solely for their own personal benefit."⁸

7. To Hay, July 29, 1899; Italy: Despatches.

8. Iddings to Hay, July 29, 1899; Foreign Relations, 1899, 445-446.

In Washington Hay attempted to assume firm control over the negotiations. He first eliminated a minor diplomatic argument that had hampered Olney during the settlement of the Hahnville lynching. The formal regrets of the president for the Tallulah outbreak were thus extended to Vinci on July 24, although the detailed report of the lynching had not been received.⁹ This was a surrender of the defensive position staunchly maintained throughout the Hahnville negotiations; but in abandoning the objections to the early regrets, Hay permitted both the State Department and the Italian embassy to concentrate on the major points at issue.

Vinci in turn also actively pursued the diplomatic settlement of this latest lynching. He was much disturbed by news from Tallulah that the grand jury which had been in session at the time of the lynching had investigated and had issued no indictments. He excitedly asked Hay if this was to be the only judicial investigation of the case, emphasizing the unfavorable reaction in Italy if this were true. He remarked that the lynchings had taken place before many witnesses; and it was inconceivable, in Italy's opinion, that the guilty parties could not be identified.¹⁰

As a result, Hay wired Foster for facts regarding the grand jury hearing. This telegram proved to be a milestone

9. Ibid, 441.

10. July 25, 1899; ibid, 442.

in the diplomatic negotiations, as Hay included a formal reminder of the treaty with Italy:

The treaty of the United States with Italy accords to Italian subjects the most constant protection and security for their persons and property, and I have assured the Italian Government that all legal steps will be taken in the interests of justice.¹¹

In the Hahnville case the State Department had persistently refused to send this reminder until the official report from the Louisiana authorities had been received. But Hay in this instance decided to concede what he considered a minor point, and again the Italian government won a diplomatic victory. A second motive for Hay's surrender was his hope that this early and outspoken reminder to the state officials of their specific responsibilities would improve the results of their investigations. He did not want to be hampered, as Olney had been, by the uncooperative attitude of Foster.

The governor's telegram in reply was the usual promise to forward all information as soon as possible.¹² Although such promises had come to mean little in the course of the previous lynching settlement, Foster further encouraged the State Department by advising that a second grand jury would investigate the lynching. He then casually dropped his bombshell, announcing that he had been "officially informed that three of the parties lynched were naturalized

11. July 25, 1899; ibid., 442.

12. Foster to Hay, July 25, 1899; ibid., 442-443.

American citizens."¹³ If this were true, Tallulah would be an exception to the Walsenburg and Hahnville lynchings in which some Italians had taken out first papers but none had completed the naturalization process. Although Foster added no details or proof in the initial announcement, Vinci was immediately informed of this startling development.¹⁴

Vinci had already been preparing to launch an independent investigation of the lynching. As Carlo Magenta, the Italian consul at New Orleans, was on leave, Camillo Romano was sent from the Washington embassy to take charge of Italian affairs in Louisiana.¹⁵ Upon learning that perhaps some of the Italians had been naturalized, Vinci called at the State Department to discuss the Tallulah affair with Secretary Hay. He requested assurances that the government would pursue a course similar to that taken during the Hahnville and Walsenburg negotiations. Hay refrained from making any commitments until he could receive a report from the Louisiana authorities. He said only that if there was a failure of justice the State Department and the Italian government would consider the subject.¹⁶

In a letter the next day, Vinci adopted a firmer tone and increased the pressure on the State Department. He

13. To Hay, July 26, 1899; ibid. 444.

14. From Hay, July 27, 1899; ibid. 444.

15. Vinci to Hay, July 27, 1899; Italy: Notes to Dept.

16. Memorandum, July 31, 1899; ibid.

first unequivocally informed the Department that the acting consul in New Orleans had evidence to prove that the five victims were Italian citizens, flatly contradicting the unsupported statement of Foster. He then charged the United States with a lack of due diligence, firmly asserting that the men had been put to death without receiving the proper protection from the local authorities. Furthermore, the three in the jail had not even been directly involved in the attack on Dr. Hodge. Vinci then pointedly announced that, although the Italian government appreciated the assurances of justice, it could not "refrain from recalling the fact that the perpetrators of similar crimes have never heretofore been brought by the competent authorities before the courts and tried." If justice was not done in this case, "a disagreeable and painful impression" would result in Italy. Vinci produced a final shock for the Department in formally submitting the names of the lynched men as "Giovanni Cirano, of Tusa; Francesco, Carlo, and Giuseppe Diffatta, of Cefalo; and Rosario Fiducia, also of Cefalo." The last name was unfamiliar to the Department which had listed Syha Deferach as the fifth Italian killed at Tallulah. With this discrepancy to be explained, the State Department even more anxiously awaited word from the Louisiana authorities explaining the many ambiguities of the case.¹⁷

17. To Hay, August 1, 1899; Foreign Relations, 1899, 446-447.

There was little that the Department could reply to Vinci until the official report on the lynching had been received from Louisiana. In an attempt to speed up the investigation, Acting Secretary Alvey A. Adee, on August 2, wired Foster of the latest developments and requested that the evidence showing that some of the Tallulah victims were naturalized be forwarded immediately.¹⁸ As no reply was forthcoming, a second message emphasizing the extreme seriousness of the situation was sent to Baton Rouge.¹⁹

Vinci attempted to capitalize on the delaying tactics of the Louisiana authorities by requesting that Hay thank the governor for his efforts thus far.²⁰ This was obviously a diplomatic maneuver as Foster had done very little. Vinci wrote an additional letter to the Department to make sure that the Italian appreciation had been extended, concluding rather apologetically:

Excuse me if I am too insistent, but I am very anxious to telegraph to my Government the contents of your telegram to the Governor, which would furnish a further proof of the sincere and lively desire of the Federal Government that justice shall be done.²¹

Vinci, like the State Department, was subtly encouraging the state authorities to supply Hay with the necessary facts in order that a settlement might speedily be reached.

18. Ibid., 447.

19. Adee to Foster, August 4, 1899; ibid., 449.

20. August 3, 1899; ibid., 448.

21. To Adee, August 5, 1899; ibid., 449-450.

Adee replied somewhat curtly that the gratitude of the Italian government had been sent as requested, although in a note rather than a telegram.²²

As a result of this urging, Foster forwarded certified copies of the naturalization certificates on August 5; these proved that Syha Deferach and Carlo Diffatta had taken the final oaths of citizenship on June 28, 1899, while Francesco Diffatta had become an American citizen on November 8, 1895.²³ Before Vinci could be advised of the receipt of these certificates, the envoy submitted the report of Romano's independent investigation. The acting consul, accompanied by Papini, had proceeded immediately to Vicksburg. There he had interviewed a Dr. Robin and A. B. Dunn, a lawyer, to obtain the facts of the lynching itself. Both men had visited Tallulah the day after the occurrence and had talked with the sheriff, the district attorney, and many of the townspeople. Giuseppe Defina had testified regarding the events in Milliken's Bend.

The information forwarded by Romano on the nationality of the lynched men did not agree with that in the State Department files. According to the acting consul, Francesco Diffatta had taken out his first papers on November 8, 1895, while Giuseppe Diffatta and Carlo (whose real name was Pasquale) Diffatta had made declarations of intention on

22. To Vinci, August 5, 1899; ibid, 450.

23. To Hay; ibid, 450-452.

June 28, 1899. Romano explained that Giuseppe Diffatta had made his declaration under the name of Syha Deferach. Neither Giovanni Cirano nor Rosario Fiducia had made any attempt to sever their Italian allegiance. Romano concluded that the Italian citizenship of the five lynched men seemed assured. On the other hand, the State Department had been informed that the final citizenship papers had been taken out on the dates given by Romano for the first papers.

In discussing the character of the five lynching victims, Romano reported:

The behavior of these men had always been good, and although they were of a vivacious temperament, they had never had any difficulty with anyone during the four years that they had resided in the village.²⁴

He also insisted that the Italians had been regarded with hatred and envy because of their success in the grocery business.

Romano then depicted the actions of the mob in most brutal language. He painted a lurid picture of the crowd "intoxicated with blood" dragging the two men "to the slaughterhouse for swine" and hanging them. In conclusion

24. In contrast, the New Orleans Times-Picayune reported in its article of July 22, 1899, that the Italians, a clannish group, had acquired a bad reputation in the area. About two years before, Francesco Diffatta had killed a negro for stealing a watermelon from his store. After a minor disagreement about some freight, Giuseppe Diffatta the previous year had fatally shot Pat Mathews, the landingkeeper at Milliken's Bend, as he passed Diffatta's store. The Italians had been heard to boast, so the Picayune reported, that their money would clear them of any trouble with the law.

he informed Vinci that many residents of the town had participated in the slaughter and that numerous people knew the names of the principal lynchers. He clearly indicated that the guilty parties could be punished if the local authorities performed their duty.²⁵

In view of its own limited evidence, the only part of Romano's report which the State Department could criticize was the controversial question of the nationality of the victims. This, of course, struck at the very heart of the Italian claim. Adee addressed a noncommittal reply to Vinci, promising that the report would be carefully studied. He mentioned in passing that the documents which the acting consul assumed were first papers appeared to be final naturalization papers. He pointed out that the forms were entirely different from those of a declaration of intention. Adee ignored the other sections of the report pending receipt of further information from the Louisiana officials.²⁶

He immediately forwarded a copy of the Romano report to Foster, together with a summary of the information on file regarding the nationality of the victims. Adee pointed out that neither Francesco Diffatta nor Carlo Diffatta had apparently been in the United States for the required five years when the naturalization certificates were granted.

25. Vinci to Adee, August 8, 1899; Foreign Relations, 1899, 452-455.

26. August 9, 1899; ibid, 455.

The possibility of fraudulent naturalization and the questionable identity of Syha Deferach prompted Adee to urge Foster to immediate action.

To meet any possible attempt to impugn the naturalization of these three men on the ground of alleged ineligibility, false swearing, or simulated identity, with consequent fraud upon the naturalizing court, the date of immigration of the three men, the place and date of their making the preliminary declaration of intention, their respective ages, and the identity of Giuseppe (Joseph) Diffatta with the Syha Deferach to whom the certificate was given, would seem to be proper subjects for ascertainment. I proffer this suggestion confidentially with a view to supplying this Department with all available matter for eventual discussion of the points involved should the contingency arise in the diplomatic way.

In order to assure Foster's immediate attention to this urgent business, he concluded with a veiled threat.

You may recall that on the previous occasion of the lynching of certain Italians at Hahnville, St. Charles Parish, in 1895, (sic) the Department found it expedient to send a special agent to investigate the question of the citizenship of the lynched men.²⁷

Vinci did not accept the State Department's explanation that the documents were copies of the final naturalization papers, endeavoring in his note of August 20 to show by logic that the three men were Italian citizens. After reviewing the naturalization law then in effect,²⁸ the envoy examined the two possibilities for interpreting the documents--that they were either first or final papers. If they were first papers, the three men were not citizens,

²⁷. August 11, 1899; ibid., 456-457.

²⁸. See above, 17-19.

Vinci held, because they had not filed final papers two years later; if the certificates were considered as final papers, they were illegal because no declaration of intention had been made two years earlier but must have been made that same day. In either case, the three men must be considered as Italian citizens, Vinci concluded.²⁹

The State Department itself was undecided on the interpretation of these questionable naturalization certificates. Within the Department much debate ensued.³⁰ It was decided to proceed firmly on the basis that the certificates were valid, as the law did not require that the time and the place of the declaration of intention be included in the final papers. The determination of such facts was left by law to the competent court, and it would be presumed that the requirements of the law had been complied with. Hay took this position in a note to Vinci on September 1. He asserted that naturalization was held valid or invalid according to American law. The statutes governing the subject required that the declarations of the applicants should be recorded by the clerk of the court, which had been done. The judgment of the court that the men were citizens of the United States would therefore be accepted. Hay

29. To Adee, August 20, 1899; Foreign Relations, 1899; 457-458.

30. Filed after Vinci to Hay, August 20, 1899; Italy: Notes to Dept.

cited three Supreme Court cases to support his opinion.³¹

This was the last mention of the questionable naturalization documents. Although the Italian government never formally admitted the American position, it preferred to negotiate over other vital particulars. This was a significant withdrawal on the part of Italy and a corresponding diplomatic victory for the State Department. Italy was now acting on behalf of only two of the Italians lynched at Tallulah.

As this controversy subsided, Fava arrived back in Washington to resume his duties. The negotiations were now in the hands of the skillful diplomat who had obtained satisfaction for Italy in the Walsenburg and Hahnville lynching cases, and he immediately leaped into the fray. He called attention to the delinquency of the Louisiana authorities by inquiring what progress had been made in the investigation of the lynching. He cleverly revealed his growing contempt for the lax efforts of the state officials by his query about the possibility of a damage suit against the perpetrators of the lynching by the heirs of the slain Italians.³²

The State Department realized immediately that the

31. Foreign Relations, 1899, 458-459. The three cases he used were: Stark v. The Chesapeake Insurance Company, 7 Cranch, 420 (1813); The Mutual Benefit Life Insurance Company v. Tisdale, 91 U.S. 238 (1875); and Campbell v. Gordon, 6 Cranch, 175 (1809).

32. Adee to Fava, September 11, 1899; ibid., 459-460.

masterful hand of Fava was again manipulating the negotiations. Adeo advised Fava that a damage suit could be initiated by an alien in either the federal or the state courts of Louisiana.³³ The ambassador was also informed that a telegram had been sent to Foster inquiring about the progress in the lynching investigation.³⁴ This brought welcome results. On September 13, nearly two months after the lynching, word came from Foster that the report of the judge and the district attorney was being mailed to Washington at once.³⁵ The Department notified Fava,³⁶ although the delays in sending the Hahnville report prepared them for any eventuality.

In acknowledging the news, Fava showed that he was in fine fettle. He deliberately put the State Department in a most embarrassing position by blandly inquiring if the men guilty of the Tallulah lynching had been arrested. He had the temerity to ask for an answer by the messenger bringing his note.³⁷ Forced to the defensive, Adeo could only reply that the telegram from Foster had not indicated whether or not the guilty parties had been captured.³⁸

33. U. S. Revised Statutes, 629 (1878)

34. From Adeo, September 11, 1899; Foreign Relations, 1899, 459-460.

35. To Hay, September 13, 1899; ibid, 460.

36. From Adeo, September 13, 1899; ibid, 461.

37. To Adeo, September 14, 1899; ibid, 461.

38. To Fava, September 14, 1899; ibid, 461.

Fava quickly penned another message later that same day. He enclosed copies of a bill which had been introduced in March of 1892 by Senator Joseph Norton Dolph, a Republican from Oregon. It had provided that violations of treaty rights of aliens would be punishable in federal as well as state courts. Fava hoped that this legal remedy would again be recommended to Congress.³⁹

Before a reply could be made, the report on the lynching from the Louisiana authorities arrived. The text had been compiled by Sheriff C. H. Lucas with the approval of F. F. Montgomery, the judge for the area, and William S. Holmes, district attorney. It was a tremendous disappointment to the ever-hopeful State Department. The sheriff did not solve the problem of the true names of the victims as had been hoped. He still listed Syha Deferach as one of the men lynched while the Italian government claimed this was an alias of Giuseppe Diffatta. The name of Rosario Fiducia was not mentioned, although the local officials had been informed of the quandary of the Department.

In contrast to the excellent reputation claimed for the lynched Italians by the acting Italian consul, the sheriff maintained that the other extreme was true:

The character and reputation of these Sicilians was very bad in this community. Joe Define, (sic) a relative and associate of theirs, who has left here

³⁹. To Hay, September 14, 1899; Italy: Notes to Dept.

since the lynching, had waylaid and assassinated a man here, killing his victim with a shotgun as he passed Define's shop.... The deceased Sicilians had been implicated in a number of acts of violence and were regarded as desperate and criminal characters.

After a résumé of the facts, agreeing for the most part with those already on file, the sheriff said that he could not identify any of the lynchers as the night was cloudy and dark.⁴⁰ In a town the size of Tallulah it seemed improbable that the sheriff could be overpowered without recognizing any of his assailants. The sheriff blithely concluded with an assurance that he was still investigating.⁴¹ To the frustrated State Department, this meant little.

In the meantime Fava had departed for a vacation at Lenox, Massachusetts. Even while out of Washington, he did not neglect the Tallulah developments. On September 19 he asked for a copy of the Louisiana report in order that he might wire his government of the contents.⁴² Because of the many questionable facts and significant omissions in the account of the parish authorities, Adee refrained from submitting a copy to Fava. Since Adee was aware of the diplomatic battle that would result, he merely remarked that the information was not entirely satisfactory. Rather than provoke endless discussion over the doubtful statements,

40. Foster to Hay, September 14, 1899; Foreign Relations, 1899, 461-463.

41. Ibid.

42. To Adee; ibid., 463.

the State Department planned to send a special agent to ascertain the precise details. Adeo was forced to admit that no indictments had resulted from the initial grand jury hearing.⁴³

Fava fired a curt reply to the Department the following day, emphasizing:

The first duty of sheriff was to trace the guilty parties and bring them to justice. Am surprised and deplore that he failed to do his duty.

Plainly elated over the sending of a special agent, he commented that he was sure the investigator would not follow the sheriff's example. Gently prodding the Department into obtaining some definite facts, he then inquired exactly when the next grand jury would be held.⁴⁴

In reply, Adeo clarified the status of the federal agent to avoid any possibility of misunderstanding. He ignored Fava's reference to the sheriff's delinquency and the question about the time of the grand jury hearing.⁴⁵ But Fava did not let this pass without comment. Shortly after his return to Washington, he replied that he would expect to receive information about the grand jury as soon as word could be received from Louisiana. He further aggravated the State Department by again requesting a copy

43. September 20, 1899; Italy: Notes from Dept.

44. To Adeo, September 21, 1899; Foreign Relations, 1899, 463-464.

45. September 21, 1899; ibid, 464.

of the controversial report of the Madison Parish authorities.

As before, the State Department tactfully refused. David J. Hill, Acting Secretary, parried the question by stating that he was awaiting further information necessary to a correct interpretation of the events "before communicating detailed particulars."⁴⁷ Both Fava and the Department knew that the pitifully inadequate Louisiana report would provide ammunition for a battle royal between the embassy and the Department. Hill attempted to pacify Fava by informing him the following day that the regular grand jury would be held in January. However, the parish authorities were planning a special term before then although the dates had not been definitely settled.⁴⁸

In reply, Fava again attempted to clarify Italy's position. He adopted a conciliatory and rather apologetic attitude at the outset. He qualified his pessimistic remarks of former notes in which he had said that the Tallulah lynchers would probably never be apprehended.⁴⁹

46. To Hill, September 23, 1899; ibid. 464.

47. To Fava, September 25, 1899; ibid.

48. September 26, 1899; ibid. 465.

49. To Adee, October 5, 1899; Italy: Notes to Dept.
"I shall likewise be glad to have it in my power, as speedily as possible, to confess that I was mistaken when I wrote to you that your preceding letter had deprived me of every hope of seeing the Tallulah lynchers brought to justice."

In this friendly vein, he proceeded to submit a new theory on federal jurisdiction. Although a bill had been introduced into Congress to transfer cases involving treaty violations to federal courts, Fava advanced the opinion that the ratification by the Senate of the 1871 treaty had made any violation of those obligations automatically subject to federal jurisdiction. Treaties, like any other federal laws, would be subject to the jurisdiction of federal courts. Fava reasserted his charge that the local officials were liable for an "utter failure to afford due protection to the Tallulah victims" in violation of the treaty. The increasing frequency of lynchings with the accompanying paralysis of local justice made it imperative for the federal government to intervene actively, Fava held. He concluded with the hope that the special agent would obtain information which would speedily lead to a proper settlement of the Tallulah lynching.⁵⁰

Interest in the lynching still flourished in Italy, as was attested by additional news articles forwarded by Lewis Morris Iddings, American charge in Rome. The statement of the Italian government that a monetary indemnity for the Tallulah lynching would not be considered until moral satisfaction had been received pleased La Tribuna:

It is time, indeed, that the United States which already are tired of remaining in unequal conditions

⁵⁰. To Ades, October 5, 1899; *ibid*.

in the world, and being shut in between two oceans, and who show on every opportunity--Spain knows it now, as presently the rest of Europe will know it--their desire, and, perhaps, their need of taking part in all great world questions, should purge themselves of this remnant of barbarity....

It smugly recalled that Crispi had obtained moral satisfaction as well as an indemnity for the heirs of the Walsenburg lynching. Again turning to Italian policy, the paper stressed the cooperation of Italy with American immigration laws:

we have done our duty and have accepted sincerely the restrictive laws imposed on our immigration to North America, establishing a bureau at Ellis Island, which is charged not only with aiding in a material way the new immigrants, but also, conspicuously, with the duty of looking after them morally, and directing them in right channels.

In return for the cooperation regarding immigration procedure, Italy expected that the treaty rights of her citizens abroad should be protected. The paper maintained that the fact that the perpetrators of the lynchings continually remained unpunished "casts upon the Government the sinister shadow of suspected complicity therein." The United States must alleviate this suspicion by acts of "shining justice" including the punishment of those guilty of the lynchings.⁵¹

Several days later La Tribuna expressed elation over the sending of a federal agent to investigate the Tallulah affair. Ignoring the agent sent to investigate the Hahnville lynching because the Rudini ministry of the Left had been in power, the paper proudly asserted that thus this was the

51. To Hay, September 26, 1899; Italy: Despatches

first time that the Federal government had made an independent examination. A general aura of satisfaction, not unmixed with pride, pervaded the entire article.

We are happy that today's communication should show that when one knows how to ask, and there is a proper disposition in him who listens, something can be obtained even from the Government of North America.

Completely misinterpreting the status of the federal agent, the paper held that this proved that the federal government could interfere in state affairs when the proper pressure was applied.⁵²

Added excitement in Italy resulted when Venosta heard that the Ellis Island Bureau was to be abolished January 1, 1900.⁵³ In an anxious letter to Draper, Venosta emphasized

52. Iddings to Hay, October 4, 1899; Italy: Despatches.

53. For a more complete summary of the correspondence regarding the Ellis Island Bureau, see Foreign Relations, 1899, 411-440. Briefly, the Treasury Department stated that the Bureau had been established as a temporary experiment in 1894 with its main purpose being to eliminate the padrone system. The Treasury Department felt that it had not fulfilled this purpose. Secondly, the authorities of the Bureau had communicated with Italian immigrants and aided them in evading American immigration laws. Thirdly, when completed, the new building at Ellis Island would enable the United States officials to take complete care of the immigrants. Fourthly, the Treasury Department held that the Bureau had never reported any Italians who appeared to be violating American restrictions on immigration. Finally, other nations were requesting the same privilege.

Italy, on the other hand, maintained that the Bureau could not entirely eliminate the nation-wide padrone system but that it had made great progress by warning immigrants of the speculators and seeing that those who planned to leave New York did so as quickly as possible. Secondly, the Bureau in the past year had been extremely careful not to communicate

the importance of the Bureau to the Italian government in the strongest language possible. He warned Draper that the abolition of the Bureau without due explanation "would have a painful effect on the relations of the two nations especially after the Tallulah affair." Draper duly communicated these sentiments to Hay, reminding the secretary that Venosta had been planning to organize similar bureaus in South America. The ambassador pointed out that:

The abolition of the Ellis Island Bureau taken in connection with the Tallulah murders and previous lynchings, might be considered as an evidence, if not of hostility, at least of unfriendly feelings on our part toward Italy.

He also told Hay that Venosta was willing to discuss any problems caused by the Bureau and would make any changes necessary.⁵⁴

In his Annual Message on December 5, President William McKinley soothed the Italians somewhat by devoting a

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with Italians until after they had been examined and had received permission to land. Thirdly, the Bureau was designed to work closely with the American immigration officials and aid them in every way possible, a plan which the United States should support rather than discourage. Fourthly, the Bureau had reported many questionable cases to the Immigration officials but had never asked for official confirmation of their services in writing. They had since requested this written acknowledgement.

Despite repeated entreaties from Italy, the Treasury Department abolished the Bureau on January 1, 1900. It was then made a part of the Italian consulate in New York with offices there. Representatives of the Bureau went to the Barge Office to meet immigrants, as did the representative of Austria-Hungary.

54. Draper to Hay, December 1, 1899; Italy: Despatches.

considerable portion of his message to the lynching problem. As it appeared that the state authorities would again be unable to discover those guilty, McKinley suggested that the time had come to transfer jurisdiction over such cases to the federal courts. He referred to a similar suggestion by President Benjamin Harrison in 1891 which had not received favorable Congressional action.⁵⁵ McKinley asked that this defect in the federal jurisdiction be remedied, commenting that the law allowing civil suits in federal courts by aliens was an adequate precedent. It was certainly equally important that their lives and rights be protected.⁵⁶

Although momentarily diverted by McKinley's pleasing recommendation, Venosta soon returned to the Ellis Island Bureau question. He informed Draper that all Fava's "earnest exertions" in Washington to delay its abolition had been in vain. The Italian press, represented by L'Italie for the Left and La Capitale for the Right, also expressed concern. Both papers agreed that the immediate abolition of the Bureau would be considered an act of hostility and would make cordial relations with the United States difficult.⁵⁷

55. See above, 6.

56. Richardson, Messages and Papers, VIII, 6371-6373.

57. Draper to Hay, December 7, 1899; Italy: Despatches. The Times of London remarked that the Italian government was taking new and decisive steps to stamp out the lawless Mafia in southern Italy. After Italy had loudly declared that the United States should support law and order in remote sections of their country, The Times remarked that Italy should certainly direct its efforts toward removing its own afflictions.

Although Draper again urged that the Bureau remain in operation until the problems had been discussed with the Italian minister, the State Department only replied that this government did not consider it "expedient to reconsider its action."⁵⁸ On January 1, 1900, the Bureau was abolished as planned.

As the eventful year 1899 ended, little had been resolved in the Tallulah negotiations. The Italian government had implied acceptance of the naturalized status of three of the Italians, as neither Vinci nor Fava after his return had reopened the question of the irregular naturalization certificates. The identity of the Italian known as Syha Deferach still remained to be determined, as the State Department had not accepted the Italian thesis that Deferach was an alias for Giuseppe Diffatta. Italy had clearly preferred a charge of a lack of due diligence against the United States. Fava was biding his time, however, before definitely charging a denial of justice, hoping that the second grand jury which had been promised would result in the detection of the guilty parties. Negotiations were virtually at a standstill pending receipt of the report of the federal agent sent to supplement the investigations of the state authorities.

With the beginning of the new year, the diplomatic activity in Washington was renewed. On January 15, 1900,

⁵⁸. Hay to Draper, December 8, 1899; Foreign Relations, 1899, 434.

Fava dramatically produced a list of the men in the lynching mob which he had obtained from a negro, Joe Evans. Both Evans and his brother had participated in the killings. His brother had since been murdered, apparently because he had hinted that he would identify the guilty parties. Evans knew the Italians well, as he had worked for Francesco Diffatta for more than two years. Fava hoped that this information would enable the Louisiana authorities to locate the perpetrators of the lynching. The envoy also suggested that Ganes and Ward, the men who had warned Defina of his danger, should be able to identify some members of the mob whom they had met on the road to Milliken's Bend.

Fava moved one step closer to the charge of a denial of justice. He openly criticized the inaction of the local law enforcement officers, quoting Article 1018 of the Louisiana statutes:

Whenever the attorney-general or any district attorney shall be informed that a crime has been committed and that no complaint or declaration thereof has been made before any judge or justice of the peace, it shall be their duty, respectively, to inquire, ex officio, into the fact by causing all persons they shall suppose to have some knowledge of the fact to be summoned before some judge or justice of the peace that their depositions may be taken.

Discounting the grand jury in session when the lynching took place, Fava announced that "there was not even a meeting of the grand jury to give some show of proceedings in the case."⁵⁹ Fava had not forgotten that the state

⁵⁹. To Hay; Ibid, 1900, 715-718.

authorities had promised a grand jury in January or before. During the last two months, no further word on the proposed hearing had been received either by the Department or Fava. This was a significant silence, in the ambassador's opinion.

The State Department debated at length on the next step to be taken. It was finally decided to forward the enlightening affidavits to Foster.⁶⁰ With all the excitement over the startling news, Hay neglected to acknowledge receipt of the supposedly vital information until February 16, a month after its arrival. His brief apology gave Fava little knowledge of the use made of the new evidence.⁶¹ The envoy had apparently expected that this specific list of names would virtually settle the case.

As the weeks passed and still no word came from the Department, Fava grew restless. Early in March he inquired what action had been taken by the Louisiana authorities or what reply had been forthcoming from Foster upon receipt of the additional data.⁶² Hay was forced to admit that no

60. Filed after January 15, 1900; Italy; Notes to Dept. A note from the Solicitor's Office of the State Department, dated January 22, 1900, held that: "It is entirely proper to furnish copies of the notes and enclosures to the Gov. of La. and to suggest the considerate cooperation of the La. authorities with the Federal Govt. in fulfilling the international obligations to administer justice by the punishment of the guilty parties. Under our system such cooperation is necessary for the credit and standing of the Federal Government and may avoid the ~~difficult~~ moral obligation to pay an indemnity."

61. Foreign Relations, 1900, 718.

62. To Hay, March 5, 1900; ibid., 718-719.

acknowledgement whatsoever had been received from the Louisiana officials although almost two months had elapsed.⁶³ The ambassador immediately addressed an angry and indignant message to Hay, emphasizing that the meaning of the delay was plain and could not be misinterpreted. He belligerently inquired:

what measures the Federal government intends to take, in view of this protracted silence on the part of that governor, for the purpose of having search made, on the basis of the facts collected by the Royal consulate at New Orleans, and of prosecuting the Tallulah lynch⁶⁴ers. . . .

Upon the receipt of this plainly perturbed note, Hay questioned Foster as to the cause for the delay. Undisturbed, Foster replied only that he had forwarded the information to both the state attorney general and the Madison Parish authorities and had duly emphasized the importance of the new evidence. The governor concluded with the vague assurance that he was not "prepared to say what further steps will be taken in the matter, but that he is assured that they have done and will do their full duty under the law."⁶⁵

Seizing upon this meaningless promise, Fava wrote a highly incensed note to Hay on April 2, leaving no doubt as to his attitude:

The fact that although ten months have passed since the cruel lynching at Tallulah, and that

⁶³. To Fava, March 15, 1900, ibid., 719.

⁶⁴. March 15, 1900; ibid., 719.

⁶⁵. Hay to Fava, March 31, 1900; ibid., 719-720.

although I transmitted even the names of the presumptive murderers to the Federal Government not one of them has been brought to justice, and that no event the slightest judicial investigation looking to this has been held, is indeed discouraging and can not induce me to share the optimistic feeling which has, even at this late day, been expressed by the governor. Certainly the authorities of Louisiana have not done their duty in the past. If they had the murderers would not hitherto have remained unpunished.

I trust that they will soon decide to act as justice requires that they should; but your excellency will share the painful surprise felt by me when I received this statement of the governor as the only reply to the grave charges and circumstances which I submitted by my note of January 15.⁶⁶

Foster at length attempted to partially atone for his delinquencies by belatedly forwarding news of a third grand jury investigation. As he had neglected to inform the State Department that a second hearing had even been held, the anger of the Department was not allayed. Foster reported that all of the men listed in the Italian affidavits had been called to the stand and "testified on oath that they knew nothing of the affair." Consequently, Foster again announced that no indictments had been forthcoming.⁶⁷

Though called to New York by the death of his mother, Fava realized full well the significance of this communication. He knew it would be utterly futile to give further aid to the local authorities who apparently had no intention of prosecuting those responsible for the deaths of the five Italians. With his anger subdued by the weight of complete
^{66.} Ibid, 720-721.

^{67.} Hill to Fava, April 17, 1900; ibid, 721.

discouragement, he calmly charged the United States with a denial of justice:

From a deep sense of dignity I prefer not to discuss this singular assertion, made by a grand jury of a State belonging to a highly civilized Republic, which assertion can not fail to astonish and discourage those friendly nations which, like Italy, earnestly desire to sustain constant and cordial relations with the United States.

It is, however, my duty most solemnly to protest to your excellency on account of this additional violation of treaties bearing the signature of the United States Government, and in view of the evident and patent denial of justice which has been renewed by one of its States which is strictly bound to observe the laws of the Confederation of which it is an integral part.

The ambassador then asked what measures the American government proposed to take toward a satisfactory solution of the lynching.⁶⁸ Obviously, Fava was completely out of patience and wanted a prompt settlement of this involved lynching case.

Having taken this definite stand, Fava turned to another vital problem in an effort to salvage some lasting benefit from the lynching. Again pursuing a most unorthodox course, he wrote directly to the President, expressing concern over the lack of progress of the measure to transfer cases involving treaty violations to the federal courts. He asked McKinley to use both his personal influence and his party leadership to urge that this bill be passed before the end of the session.⁶⁹ Fava's circumvention of the

68. To Hay, May 6, 1900; ibid, 721-722.

69. To McKinley, May 9, 1900; Italy: Notes to Dept.

Department when he thought it would aid his cause was becoming more and more of a habit and undoubtedly annoyed Hay, though no official cognizance was taken of these flagrant deviations from established practice.

During the remainder of May and early June Fava received no reply to his inquiry about the attitude of the federal government toward the results of the third grand jury investigation. Confronted with the difficulty of explaining an unexplainable situation, Hay at last simply admitted the faults in the federal system. He conceded, in what was later to be regarded as a momentous confession, that:

Your Excellency is advised of the dual nature of our Government, and of the defect in the Federal laws, which the President has sought, so far as lies in his power, to have remedied, and of the prompt and energetic measures adopted by the Department of State with a view to the punishment by the only competent authorities, of the authors of the crime under discussion.

It having been shown that Italian subjects were slain by the lynching and that there has been a failure on the part of the only competent authorities to indict or bring the guilty parties to trial in any form....

In conclusion, Hay advised Fava that an indemnity would be recommended for the two Tallulah victims proved to be Italian citizens when Congress convened in December.⁷⁰

Evidently surprised and reassured by this rather amazing confession, Fava let the matter drop for the

⁷⁰. To Fava, June 12, 1900; Foreign Relations, 1899, 722-723.

remainder of the summer, biding his time until the opening of Congress approached. Not until October 14 did he even acknowledge receipt of this virtual admission of the validity of the charge of a denial of justice. He emphasized how important it was that the bills to remedy the defect in the federal system be passed and suggested withholding the indemnity provision until the all-important legislation was approved. He made it extremely plain that this time an indemnity without some reorganization of the federal structure would not resolve the differences between the United States and Italy.⁷¹

Feeling that the major aims of the Italian government for a satisfactory settlement of the Tallulah lynching were now on their way to fulfillment, Fava returned to the second complication arising from the Tallulah events--the claim of Giuseppe Defina. His case had been relegated to a secondary position since the preceding January. A letter from Defina's lawyer, Jacob Baisini of the International Law Bureau, confirmed the claim that since the event Defina had been destitute, unemployed, and "plunged in the direst misery." Fava presented the testimony of a traveling painter who had been in Tallulah the day of the lynchings as additional confirmation of Defina's testimony.⁷² Fava admitted

71. To Hay; Ibid., 723-730.

72. Ibid. The painter, Frank Raymond, testified before the acting Italian consul in New Orleans that one John Wilson was the instigator of the lynching. He also suggested that the officials interview a barber whose

that under ordinary circumstances Defina should go to the state or federal courts for satisfaction, but he reminded:

Your Excellency is not the person to whom I need demonstrate how the conditions of justice in that district are such as to make any kind of resort to these courts wholly superfluous.

In Fava's opinion, the difficulty of obtaining witnesses to testify for Defina and the cost of the court procedure made that course of action futile.⁷³

Another prolonged silence descended. Toward the end of November Fava again asked that the President strongly urge the passage of legislation to protect adequately the rights of aliens.⁷⁴ With the opening of Congress approaching, the continued concern of the Italian government over the proposed changes reasserted itself. Hay immediately advised Fava that the subject would be "treated" by the President in the forthcoming Annual Message.⁷⁵

McKinley's speech on December 3 must have fulfilled Fava's expectations. McKinley again advocated the passage

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last name was Blander as he would perhaps be willing to testify. He added that he heard that a saloon-keeper had urged the mob to lynch the Italians and had promised the members of the lynch mob free beer and whiskey. Raymond spoke well of the Italians, testifying that there was a plot against them because of business rivalry and because the townspeople did not want them to vote.

73. Ibid.

74. To Hay, November 26, 1900; ibid., 730-731.

75. November 27, 1900; ibid., 731.

of legislation to remedy the defects in federal jurisdiction, and he also recommended an indemnity for the heirs of the Italian subjects lynched at Tallulah "in the same form and proportion as before." He pointedly emphasized that the legislation changing the federal jurisdiction was more important than the indemnity to the Italian government.⁷⁶ In answer to the President's plea, the necessary bills transferring treaty violations to federal courts were introduced in Congress. Debate in the House began later in January, 1901,⁷⁷ and it appeared that action on the legislation would be favorable.

In the State Department, too, there was increasing evidence that the end of the negotiations was in sight. On January 26, Hay formally recommended that the President submit to Congress a proposal for an indemnity for Giuseppe Daffatta and Giovanni Cirano, the two victims who were

76. Ibid., xxii-xxiii.

77. Congressional Record, 56 Cong., 2 Sess., 1272-1276. The text of the bill as read in the House was as follows:

Be it enacted, etc., that any subject or citizen of a foreign state claiming of the United States, under a treaty or upon the principles of international law, indemnity for injury to person or property may bring suit upon such claims in the Court of Claims. Such sections and provisions of chapter 359 of the act of 1887 as are applicable to the Court of Claims shall apply to and govern the initiation of such suits and all subsequent proceedings therein: Provided, That the provisions of this act shall apply only to citizens or subjects of those foreign states according like rights and privileges to the citizens of the United States: And Provided Further, That no such suit shall be brought after the expiration of two years after the

considered as Italian citizens by the State Department. In direct contradiction to his report to Fava and undoubtedly with tongue in cheek, Hay reported that the governor of Louisiana "took prompt and active measures with a view to bringing the guilty parties to justice." He pointed out that the federal government had conducted an independent investigation and that three grand juries had been held. He thus admitted no denial of justice on the part of the American government. On the basis of these facts, Hay recommended an indemnity without reference to the question of liability.⁷⁸ A month later a similar recommendation for an indemnity of \$5,000 for Giuseppe Defina was submitted to McKinley.⁷⁹ The satisfactory settlement of the Tallulah lynching seemed only a matter of waiting for Congress to vote the customary gratuities.

Early in March this confidence was vindicated by the passage of the Deficiency Appropriation Bill containing a provision that \$4,000 was to be paid to the heirs of

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accruing of such claim or cause of action: And Provided Further, That it shall be a defense of such suit that the plaintiff has made his domicile in the United States for more than a year continuously prior to the accruing of such alleged claim or cause of action."

78. January 26, 1901; Sen. Ex. Doc., No. 125, 56 Cong., 2 Sess., 1-2.

79. February 23, 1901; Sen. Ex. Doc., No. 194, 56 Cong., 2 Sess., 1-2.

Giuseppe Diffatta and Giovanni Cirano. This sum was to be paid out of humane consideration and without reference to the question of liability.⁸⁰

But this was not to be the end of the Tallulah negotiations. Contrary to custom, the indemnity was not paid immediately. The discrepancy regarding the true name of Syha Deferach remained to be explained, as this would affect the distribution of the indemnity. While the Italian government held that Giuseppe Diffatta had been naturalized as Syha Deferach, the State Department maintained that Rosario Fiducia had used the alias. The controversy was submitted to the Department of Justice on March 8. The State Department summarized its reasons for considering Fiducia as the real name of Deferach in a lengthy memorandum: The omissions of the name Fiducia from the immediate newspaper accounts while Deferach was included; the fact that Giuseppe Defina, brother-in-law of the Diffattas, never referred to Giuseppe Diffatta by any other name; and the testimony at the coroner's inquest that Giovanni Cirano

80. 31 U. S. Statutes 1010. See also March 13, 1901; Italy: Despatches. The Italian press used the passage of the indemnity to discuss the lynching problem again. La Tribuna maintained repeatedly that an indemnity would not settle the issue, that only semi-barbarous countries substituted money for justice: "But we do not believe that the United States wish to fall below the standard of the international circle, especially since they have so recently expressed the determination to be considered as one of the principal members of it."

and Giuseppe Diffatta were Italian citizens.⁸¹

Anxiously awaiting the decision of the Justice Department, Fava wired from New York on March 18 asking to be informed as soon as it was received.⁸² It was ten days later when Hay notified Fava that, in the opinion of A. C. Carne of the Department of Justice, the two Italian citizens were Giovanni Cirano and Giuseppe Diffatta.⁸³ These were the two listed in the deficiency appropriation. Carne advised the Department to obtain depositions from the judge and the clerk of the district court, the sheriff, and the district attorney of Madison Parish if further evidence were required. Fava immediately requested this additional data.⁸⁴ When Hay forwarded further evidence that Rosario Fiducia had been naturalized under the assumed name of Syha Deferach, Fava did not reply.⁸⁵

The Tallulah negotiations were then interrupted by a note from Fava announcing his recall to Italy, effective June 1. Fava, having served as the Italian representative in the United States since 1881, expressed regret at leaving and reminisced on his experiences during his long stay in

81. Memorandum filed after correspondence relating to another matter, March 8, 1901; Italy: Notes to Dept.

82. Fava to Denfired; Ibid.

83. March 28, 1901; Italy: Notes from Dept.

84. To Hay, March 30, 1901; Italy: Notes to Dept.

85. To Fava, April 17, 1901; Italy: Notes from Dept.

Washington. He announced that Francesco Carignani, first secretary of the embassy, would serve as chargé d'affaires until the arrival of his successor.⁸⁶

After Fava's departure, all negotiations regarding the Tallulah lynching halted until December. Then Edmondo Mayor des Planches, the new Italian ambassador, inquired why the indemnity voted the previous March had not been paid.⁸⁷ Hill explained that the Italian embassy had not specifically accepted the decision of the Department of Justice that Rosario Fiducia and Syha Deferach were one and the same. Thus, payment had been delayed. Hill also advised Mayor that a new claim for Giuseppe Defina would be submitted to Congress.⁸⁸

Mayor hurriedly apologized for the oversight and explained that the evidence was so conclusive that no acceptance had been considered necessary. Mayor gave the desired acquiescence in an accompanying formal note and expressed great pleasure at the plan to again recommend an indemnity for Defina.⁸⁹

On January 9, 1902, almost two and one half years after the lynching, Hay sent a check for \$4,000 to the embassy as an indemnity to Italy for the heirs of Giovanni Cirano and

^{86.} To Hay, May 30, 1901; Italy: Notes to Dept.

^{87.} Hill to Mayor; December 19, 1901; Italy: Notes from Dept.

^{88.} Ibid.

^{89.} To Hay, December 21, 1901; Italy: Notes to Dept.

Giuseppe Diffatta, without reference to the liability of the American government.⁹⁰ This closed the major phase of the Tallulah negotiations.

The Defina claim still lingered, a chore to be disposed of. After another six-month pause, Mayor requested information on the fate of the Defina indemnity.⁹¹ Hill replied merely that copies of the inquiry would be forwarded to the Committee on Foreign Relations in the Senate and the Committee on Foreign Affairs in the House.⁹² It was evident that Hill had little interest in pursuing the matter. Again in December Mayor inquired about the status of the claim.⁹³ This time the Department said that a letter from Theresa Diffatta in Italy claimed that Defina did not leave Milliken's Bend until late August. This contradicted all previous testimony regarding Defina's actions.⁹⁴ On February 21, 1903, Mayor countered with affidavits by five Italians of Vicksburg who held that Defina had arrived there on July 21 as he had stated. The ambassador said that one Pat Henry of Vicksburg would also corroborate Defina's statements if necessary. He felt

90. To Mayor; Italy: Notes from Dept.

91. To Hay, June 20, 1902; Italy: Notes to Dept.

92. To Mayor, June 23, 1902; Italy: Notes from Dept.

93. To Hay, December 5, 1902; Italy: Notes to Dept.

94. Hay to Mayor; December 24, 1902; Italy: Notes from Dept.

that the letter of Theresa Diffatta had no basis whatsoever.⁹⁵ Despite the vast amount of information that had been delivered to the Department, the Defina claim was never approved.

It had been twice submitted to Congress with no results. The State Department simply dropped the matter, not even bothering to reply about the new evidence submitted.

The diplomatic negotiations resulting from the lynching of five Italians at Tallulah, Louisiana, proved unusual and significant.

Italy again charged the United States with a lack of due diligence in extending protection to the Italians. They had been in the custody of American law enforcement officials, submitting to American legal processes, as provided in the Treaty of 1871. But the aliens had not in turn received the protection to which they were entitled under the treaty, in Italy's opinion.

Italy waited over six months before charging the United States with a denial of justice, hoping that the state officials would refute the accusation by identifying and prosecuting the members of the mob. But the paralysis of local justice characteristic of lynching cases again occurred. The report of the local officials did not arrive in Washington until almost two months after the lynching. This information was so inadequate that Fava was never given a copy despite his repeated requests. The state

^{95.} To Hay, February 21, 1903; Italy: Notes to Dept.

authorities endeavored partially to disguise their delinquencies by holding not one, but three, grand jury investigations, all with identical results--no indictments. The Italian acting consul in New Orleans contributed an extraordinary amount of evidence to aid the local authorities. He at last forwarded a list of the men in the lynching mob obtained from a negro who had participated. Even this evidence did not force indictments from the third grand jury. The State Department attempted to compensate for the inadequacies of local justice by again sending a federal agent to ascertain the facts of the lynching for use in the negotiations. At length Secretary of State Hay plainly admitted the defect in the federal system and the breakdown of law enforcement which allowed such flagrant miscarriages of justice to take place. This admission, both startling and complete, was subsequently quoted whenever the problems of local justice in the United States were discussed. The virtual impossibility of obtaining satisfactory cooperation from the state officials led to renewed agitation for a transfer of such cases to federal courts. McKinley recommended this action in two Annual Messages, and the Italian government repeatedly stressed the importance of such legislation above its request for a monetary indemnity. In the end, however, the United States again refused to admit responsibility. Congress voted an indemnity for the heirs of the Tallulah

victims proved to be Italian citizens without reference to the question of liability.

The Italian government in Rome and the Italian press influenced the course of the negotiations to an unusual degree. Exaggerated parliamentary differences between Right and Left caused the papers representing both sides to carefully scrutinize the progress of the settlement. The Ellis Island Bureau and its eventual abolition despite vigorous protests from Italy were considered in conjunction with the Tallulah lynching. Italy felt that the uncooperative attitude of the United States toward both the Tallulah negotiations and the Bureau's problems revealed hostility toward the Italian government.

The Italian case was further complicated by the claim of an alien who had escaped the fate of his lynched compatriots. He sought redress from the American government for the complete loss of his property. This added element increased the problems of both Fava and the State Department. Fava pressed the claim on the basis that local remedies need not be exhausted when there is obviously no justice to be obtained. In the end, though the Department twice recommended that the claim be approved, Congress refused to grant the indemnity.

From the American side the case was noteworthy as three of the five Italians lynched were held to be naturalized American citizens. Much controversy ensued over

the certificates of naturalization as there was some evidence that the Italians had actually not been qualified to become citizens. The possibility of fraud was a matter of great concern to the Department, but it at last decided to consider the certificates valid. Italy by implication accepted this decision. As one of the Italians had been naturalized under an assumed name, further difficulty arose over the question as to which Italians had really become American citizens. Again the United States took the lead in determining the final decision. The State Department referred the problem to the Department of Justice and abided by its conclusion. Italy at length followed suit.

Hay eliminated two problems which had proved troublesome in the Hahnville negotiations. He expressed formal regrets to Italy for the lynching at the outset, and he also sent an official reminder of the United States' treaty obligations to Italy to the Louisiana governor shortly after the lynching had occurred. These were diplomatic victories for Italy, as Fava had constantly harassed the Department with repeated requests for these two actions during the Hahnville settlement.

With these many unusual developments, the Tallulah negotiations stand as a landmark in the treatment of cases of mob violence against resident aliens in the United States.

CHAPTER V

The Erwin Incident, 1901

Before the Tallulah incident had been satisfactorily settled, three more Italians were assaulted at Erwin, Mississippi. This village was a small station on the Yazoo and Mississippi Valley Railroad about thirty miles south of Greenville. There, on the night of July 10, 1901, a mob killed Giovanni Serio and his son, Vincenzo, and seriously wounded another Italian, Salvatore Liberto.

About eight months before, the Serios had been living in the neighboring village of Glen Allen. Vincenzo Serio had had a dispute with G. B. Allen, the manager of a large plantation nearby, about a horse claimed by Serio which had been found on Allen's property. After prolonged and heated arguments, Allen and an armed mob of the citizens had shot and wounded young Serio and then had driven him from the town. After staying in Greenville for some months, Vincenzo had returned to Glen Allen to rejoin his father. Again the citizens of Glen Allen had acted. They had ordered Vincenzo to leave Glen Allen within thirty days. After these threats, he and his father had finally moved to Erwin, a few miles away. But the animosity toward the Italians had not subsided; and, as they had remained in the vicinity, plans had been made to lynch the two Serios.

Evidently news of the plot had become known, because one of the residents of Glen Allen, a Dr. Hanna, had attempted to dissuade Salvatore Liberto from visiting the Serios on that fateful night in July. Some Italians in Glen Allen had also heard of the plans and had tried to warn Giovanni and Vincenzo Serio, but they had been repeatedly denied access to the one available telephone, located in the railroad depot. Thus, during the night of July 10, a mob entered the home of the Serios and shot the three men as they slept. Both father and son were killed instantly, while Salvatore Liberto was seriously wounded. The band quickly and quietly left the scene, leaving no trace of the identities of the participants.

An inquest into the killing was held the following day. The verdict of the coroner's jury, unusual in its phraseology, was that Giovanni and Vincenzo Serio "came to their death by the act of God, in that they died from gunshot wounds at the hands of unknown parties. . . .¹

When news of the lynching reached Washington, Francisco Carignani, charge of the Italian embassy pending the arrival of a new ambassador, immediately called at the State Department to inquire what steps would be taken to punish the perpetrators of this latest slaughter of Italians. As was now customary, he urged that the federal government instruct

1. Carignani to Hill, July 28, 1901; Foreign Relations, 1901, 286. Other details from New Orleans Times-Democrat, July 12, 1901.

the state authorities to investigate the lynching immediately. Utilizing the quick results of the preliminary inquiry by the Italian consul in New Orleans, he forwarded the names of the lynched Italians to Hay on July 15. He also reminded Hay that the treaty in force between the United States and Italy guaranteed some measure of protection to Italians submitting to American laws.² Hay promptly notified Governor A. H. Longino of the occurrence and requested a complete report.³

Again the Italian government immediately directed its attention to this latest lynching. Luigi Zanardelli was serving as premier. A staunch liberal, he had been chosen by the King despite the existence of a majority on the Right. Instead of refusing the appointment or demanding a general election, he decided to try to carry out a liberal program in spite of the reactionary majority which opposed his policies. Again the treatment of Italians abroad became a vital political issue. While the Erwin negotiations were progressing, Zanardelli was struggling against hopeless odds in Parliament. He resigned in 1903 almost simultaneously with the final settlement of the Erwin lynchings.⁴

Now increasingly sensitive to Italian opinion, Hay

2. Foreign Relations, 1901, 223.

3. Hay to Carignani, July 17, 1901; ibid.

4. Whyte, Modern Italy, 212-213.

immediately addressed a telegram to Lewis M. Iddings, the American charge in Rome, instructing him to seek an audience with the minister of foreign affairs. He was to assure the Italian government that the Erwin lynching was being investigated and that the United States "will take all legal steps which the facts may warrant to secure justice."⁵ A similar message had been dispatched early in the Tallulah negotiations in an effort to forestall hasty reactions against the United States within Italy.

The Italian government was not deceived by this vague reassurance. Iddings reported general irritation at what was called the latest "of a series of lynchings." Luigi Prinetti, the inexperienced minister of foreign affairs, was so disturbed that he neglected to thank Iddings and the American government for the prompt message of explanation. Iddings, however, interpreted this omission as "unintentional." Prinetti, like his predecessors, immediately requested legislation transferring lynching cases to the federal courts, and he expressed the hope that Congress would act favorably upon the bills before it. After Iddings had carefully explained the federal organization, the minister subsided with the mild wish that the lynchers would be "adequately punished."⁶

La Tribuna echoed this view, again adopting the

5. July 20, 1901; Italy: Instructions.

6. To Hay, July 23, 1901; Italy: Despatches.

position that the indemnity was not as important as legislation transferring treaty violations to federal courts. Summarizing McKinley's futile recommendations for such laws, the paper urged continued pressure on the American government for action. Concluding with a demand for strong and decisive action, La Tribuna held that Italy

should insist not only upon the protection of her numerous emigrants, who, in a thousand ways, are interfered with and molested; she should also seek to aid the United States to free themselves from a blot which obscures the blaze of their glory and prosperity.

When advising Carignani of the message to Italy, Acting Secretary David J. Hill again followed the Walsenburg and Tallulah precedents and formally offered the regrets of the American government for the occurrence.⁸ This forestalled any complaints by Italy over a lack of sympathetic expressions from the United States. The Department had evidently decided that the bickering over this issue which marked the Hahnville settlement should not be repeated, and again surrendered to Italy on this point.

Carignani was not lulled into inactivity by these pacific actions. He had received a copy of the verdict of the coroner's inquest and was definitely irritated. He ridiculed and deplored the unfortunate choice of words used in the verdict and directed the attention of Hill to the "strange document" and the "sentiments therein expressed

7. Iddings to Hay, July 20, 1901; ibid.

8. July 20, 1901; Foreign Relations, 1901, 284.

and the manner in which it is worded." Carignani forcefully declared that "death by an act of God" was hardly a suitable verdict for a supposedly efficient judicial hearing. Pursuing the recurrent desire of the Italian government to force federal interference in the investigations, Carignani then suggested "whether it might not be feasible for the Federal Government to send 'detectives' to the spot on its own account for the detection of the lynchers."⁹

Continuing the discussion on July 24, Carignani forwarded the results of the independent investigation undertaken by the Italian consul in New Orleans. After a brief summary of the background and the facts of the lynching, the report concluded that the perpetrators of the lynching could be apprehended if the Mississippi authorities "really have the cause of justice at heart." The consul staunchly maintained that:

At Erwin, Glenville, and Glen Allen, everyone is afraid to speak, but knows that the citizens of Glen Allen are the organizers and authors of the lynching.¹⁰

This was the first warning that a charge of denial of justice would be forthcoming if the actions of the state authorities did not show definite results.

The almost simultaneous arrival of a lengthy commu-

9. To Hill, July 22, 1901; ibid, 285.

10. To Hill; ibid, 287-288.

nication from Governor Longino released the Department from a repetition of its trying role in previous lynchings-- attempting to evade definite commitments until information arrived from the state authorities. Longino summarized the activities of the state officials. Two days after the lynching, he himself had visited Washington County, in which Erwin was located. He had discussed the case with both the district attorney and the judge for the area, and assured Hay that everything possible would be done to apprehend the guilty persons. But the task was extremely difficult, he warned, as the sheriff had been unable to find any clues which would lead to the identity of the band which had "quickly and quietly disappeared."

Some hope that justice would be done could be gleaned from the attitude of the inhabitants of the county toward the lynching. Contrary to the Walsenburg, Hahnville, and Tallulah outbreaks, the people of the area were indignant at the injury to their reputation. A mass meeting was held at Greenville at which a resolution¹¹ was adopted deploring and denouncing "the cowardly midnight assassination of two

11. Longino to Hay, July 16, 1901; Ibid, 288-289. The text of the resolution in full is as follows:

"As taxpayers of the State of Mississippi, interested in the good government thereof; as businessmen of Greenville, interested in the commercial advancement of our community; as citizens of the county of Washington, proud of the good repute that it has enjoyed, we deplore and denounce the cowardly midnight assassination of two helpless Italians that recently occurred on Lake Washington, in this county, as being subversive of the principles of good government, a

helpless Italians." The people recommended that all possible efforts be exerted to find the guilty men. In addition, they voted to have the county offer a reward of one hundred dollars for any information leading to the arrest and conviction of those guilty. Longino offered a similar reward on behalf of the state authorities.

Thus far, no mention had been made of the nationality of the victims. Longino had little to offer, saying only: "My private advice is that none of the Italians named were naturalized American citizens, but of this I am not sure..."¹²

On July 27 Carignani agreed with Longino's supposition that the three men attacked at Erwin had been Italian citizens. The clerk of the court of Washington County had told the Italian consul that neither Vincenzo nor Giovanni Serio had ever registered or voted there. Further corroboration was supplied by three Italian acquaintances of the

11. Concluded

deadly blow to the commercial success of any community which will condone, acquiesce in, or tolerate such crime, a wanton insult and stigma to a county noted for its law-abiding and honorable citizenship; and deeply impressed with the conviction that not to punish is to condone such crime, and that the stain can only be effectively wiped out by the punishment of the criminals, we respectfully request our governor to call a special session of the circuit court of this county, so that if possible those perpetrating this murder may be discovered and brought to justice; and that the governor be requested to offer a suitable reward for the arrest and conviction of the guilty parties."

12. Ibid.

victims, who declared that the Serios and Salvatore Liberto had never assumed American citizenship.¹³ Although in the opinion of the State Department such evidence was not conclusive proof of the nationality of the lynched men, the absence of reports to the contrary at length led to its acceptance. With this important admission of the Italian nationality of the victims by the United States, both the Italian and American governments rapidly proceeded toward the formal settlement of the case.

In order both to avoid making definite commitments and also to calm the excitable Carignani, Alvey A. Adee, Acting Secretary, answered the Italian complaints about the verdict of the coroner's inquest. He pointed out that, although the phraseology was somewhat unusual, the result was in reality just that "parties unknown" had committed the crime. This was similar to the verdicts in previous cases and simply left the way clear for the state authorities to investigate further and to ascertain the identity of the guilty persons.¹⁴ Carignani retaliated with a barrage of assertions that the Mississippi authorities had still not done enough to locate the guilty persons. Again utilizing the veiled threat of a charge of a denial of justice, the charge bitterly remarked that there had been no judicial inquiry except the coroner's inquest with its questionable verdict. He

13. To Hill; ibid., 289-292.

14. To Carignani, July 30, 1901; ibid., 292-293.

suggested that G. B. Allen be promptly arrested, as many believed him to be the "organizer and instigator of the crime." The authorities should also question the telephone operator who refused to send the warnings to Erwin, as well as the person who had advised Liberto not to go to Erwin the night of the attack. The agitation of the people of the county should further encourage the state and local officials to search unceasingly for the guilty persons, he held. The envoy, moreover, recommended that all witnesses should be questioned outside the area so that they would be able to talk freely. The "intimidations" in Glen Allen itself made it impossible to learn the facts there.¹⁵

The Italian government took a hand in the negotiations by again recommending that detectives be sent to ascertain the facts regarding the lynching. Despite the prompt actions of the Mississippi authorities, Prinetti suggested several courses of action designed to embarrass the American government. He first asked if the federal government would send northern detectives, "not paid by southern authorities," to the scene. As an alternative, he suggested that Italy would be willing to hire them if the State Department did not wish to follow that procedure. Finally, he inquired if the state authorities would act upon evidence obtained by such investigators.¹⁶

^{15.} To Hill, July 30, 1901; ibid. 293-294.

^{16.} Iddings to Hay, July 27, 1901; Italy: Despatches.

Hill replied that federal agents could obtain evidence only for the use of the State Department although their reports would be submitted to the state officials as a courtesy. The same limitations would apply to reports of detectives hired by Italy.¹⁷

This polite discouragement did not deter the Italian government. The secretary-general, commenting unofficially to Iddings, indicated his disappointment that the federal government was reluctant to send detectives to Mississippi. In his opinion, this indicated a lack of interest in punishing the guilty parties. Also, in case the Mississippi authorities did not fulfill their duties, the State Department "could urge them to do so with effect" by threatening to use federal agents. In a subsequent official interview, Prinetti echoed these views. He bluntly stated that he had little faith in state officials and their declarations, considering past experience. He held that their efforts thus far in the Erwin case had been "feeble." Iddings summed up the opinion of the Italian government: "They are undoubtedly very sore, there, declaring that it is extraordinary that for five cases of lynching no one suffers."¹⁸

In Washington, Carignani continued agitation for action. He wrote Ades on August 9 to ascertain if the local authorities had acted upon the suggestions he had submitted

¹⁷. To Iddings, July 29, 1901; Italy: Instructions.

¹⁸. Iddings to Hay, July 31, 1901; Italy: Despatches.

and if the murderers had been located. In a note the following day, he again mentioned the matter of sending detectives to Mississippi. This time he suggested the Secret Service as a desirable investigating agency. Attempting by conciliation to gain his point, the envoy rather pathetically questioned:

Can you not grant us that at least? This request it seems does not offer the same objections that might have been made, perhaps, to the sending of the 'detective' last mentioned in your note of the 30th of July.¹⁹

Adee then undertook a staunch defense of the state authorities in answer to the dual attack by Carignani and Prinetti. The Department, he rather stiffly noted, was informed that "all the judicial resources" of the state were being employed to apprehend those guilty. He rather sharply retaliated for the many cutting insults directed against the Mississippi authorities by pointedly remarking:

I am not surprised that the State authorities have not made public whatever knowledge may have been acquired on the subject, inasmuch as premature disclosure in this regard might tend to the defeat the ends of justice. (sic)²⁰

He attempted to calm Carignani somewhat by declaring that a special session of the local court was planned for the near future. On August 20 he advised the Italian envoy that the second Monday of September had been set as the date for the hearing.²¹

19. To Adee, August 10, 1901; Italy: Notes to Dept.

20. To Carignani, August 16, 1901; Italy: Notes from Dept.

21. To Carignani; Foreign Relations, 1901; 297.

In replying, Carignani evinced little enthusiasm over this supposedly encouraging news, gloomily asking

but if, as I am told, no investigation proceedings are instituted and no warrant of arrest has been issued, what will the Court have to pass upon?²²

Adee countered with an explanation of the status of a grand jury demonstrating that it was an investigating agency itself. The jurors promised "diligently to inquire" into the case before them and to bring an indictment if sufficient evidence was presented.²³

The negotiations were temporarily disrupted by two additional reports of attacks against Italians. On August 17 four young Italian laborers in Mansura, Louisiana, were repeatedly shot at by a band of five or six men. A notice was then posted on the door of their house warning them that they had four days to leave town. Trade rivalry was seemingly the cause of the ultimatum. Despite promises of protection, the four men left, eventually coming to New Orleans. At a grand jury hearing, one of the Italians identified three of the men in the band, but the accused persons were later acquitted in the actual trial.²⁴

About a week later near Ashdown, Kentucky, an Italian, Giuseppe Buzzotta, was shot and killed in a skirmish between

22. To Adee, August 30, 1901; Italy: Notes to Dept.

23. To Carignani, September 4, 1901; Italy: Notes from Dept.

24. Carignani to Hill, November 18, 1901; Italy: Notes to Dept.

Italian and American railway laborers. The man who fired the shot was the brother of an American who had been stabbed by Buzzotta in a fight earlier in the day. A hearing into the shooting was later held but resulted in no indictments.²⁵ These attacks further aggravated the Italian government and made them increasingly desirous of securing a rapid and satisfactory indemnity and, if possible, an admission of liability from the United States in the Erwin case.

The promised grand jury investigation into the Erwin lynchings was delayed until the ninth of October. After five days of testimony, no indictments were issued. To the Italian government this meant only one thing--that again local law enforcement officials had failed to find and punish those guilty of murdering Italian citizens. The grand jury had obviously not freed itself from the ever-present "conspiracy of silence" in order to do its duty. Foregoing further delay, Carignani on behalf of the Italian government formally charged the United States with a denial of justice:

In this condition of things, the Government of the King has sent me express instructions to enter the most energetic protest against what is, all at once, a denial of justice, a flagrant violation of contractual conventions, and a grave offense to every human and civil sentiment.

He reminded Hay that the Secretary himself had admitted

²⁵. Carignani to Hill, December 2, 1901; Italy: Notes to Dept.

the defects in the federal system after the Tallulah lynching and concluded:

Until the desired reform shall have become an accomplished fact the Government of the King not only will have grounds of complaint for violation of the treaties to its injury, but will not cease to denounce the systematic impunity enjoyed by crime, and to hold the Federal Government responsible therefor.²⁶

With this outburst, the negotiations subsided temporarily. Late in December Fava, now a Senator, attempted to encourage the Italian government not to accept the indemnity because the guilty parties had not been caught and punished. Prinetti replied that he would not be a party to such a radical policy. He said that an indemnity, spontaneously offered, should certainly be accepted. He added that Italian emigrants were usually treated with "benevolent hospitality" abroad, and the relatively few exceptions should not lead Italy into open declarations of hostility.²⁷

On January 2, 1902, the State Department belatedly acknowledged the receipt of the note charging the United States with a denial of justice. In an obvious attempt to be most cooperative, Hill announced that the message would be sent to the committees of the House and Senate which were considering an indemnity recently recommended to Congress.²⁸

26. To Hill, November 14, 1901; Foreign Relations, 1901, 297-298.

27. Meyer to Hay, December 23, 1901; ibid., 298-299.

28. To Mayor; ibid., 299.

Edmondo Mayor des Planches, the new Italian ambassador, patiently waited six months for news of the passage of the indemnity. At last on June 26 he addressed a memorandum to the State Department asking what progress had been made toward the granting of an indemnity to the heirs of Giovanni and Vincenzo Serio. He stressed the fact that the widow of Giovanni Serio, who was also the mother of Vincenzo, and her daughters were in extremely "straitened circumstances" having lost their two means of support.²⁹

After another six months of silence, Secretary Hay bestirred himself to again recommend to President Theodore Roosevelt that an indemnity, without reference to the question of liability, seemed to be in order.³⁰ This time results were forthcoming. On March 3, 1903, the Deficiency Appropriation Bill approved by Congress included the sum of \$5,000 as an indemnity for the heirs of the two Italians killed and for the Italian injured at Erwin. This was again granted without reference to the question of liability.³¹ The indemnity brought to a close another stormy episode in Italian-American relations.

The most significant development in the Erwin lynching settlement was the absence of a charge of a lack of due diligence which had been consistently preferred in the

29. Italy: Notes to Dept.

30. December 13, 1902; Sen. Ex. Doc., No. 40, 57 Cong., 2 Sess., 1-2.

31. 32 U. S. Statutes 1032 (1903)

Walsenburg, Hahnville, and Tallulah cases. There had been no warning of the attack at Erwin so that local officials had had little opportunity to prevent the crime. Though the Italian chargé mentioned the protection that the Italians should have received under the treaty, he did not charge that due diligence was lacking. He realized that states were held responsible for the acts of private citizens only when it could be demonstrated that the law enforcement officials had not provided adequate preventive measures.

The Mississippi authorities showed every inclination to apprehend the men guilty of murdering two Italians and injuring a third. Following the Walsenburg precedent, Governor Longino offered a reward for information leading to the arrest and conviction of the guilty persons. He did deviate from the procedure established in the previous lynching cases in one important respect. All available evidence indicates that he did not submit a full, formal report on the actual lynching. In several short communications he informed the Department of the actions of the state authorities and the local inhabitants, but he did not supply Hay with full data on the nationality of the victims or with supplementary information on the lynching itself. Despite this significant omission, the cooperation of the Mississippi authorities contrasted favorably with the hindrances imposed by the recalcitrant Louisiana officials in the earlier cases.

This is clearly indicated by the fact that no federal agent was sent to investigate the Erwin lynching as had been done in the Hahnville and Tallulah cases. The Italian government continually urged that "northern detectives" be sent, but the State Department firmly declined to be coerced into that procedure where it was not absolutely necessary.

The attitude of the inhabitants of Washington County provided an encouraging note in the proceedings. They held a mass meeting which resulted in a condemnation of the lynching and of the slur thus cast upon their state and locality. They decided further to offer a reward from county funds for the capture and prosecution of the murderers.

Despite the favorable attitudes of the people and the government of Mississippi, a lack of sustained interest in the Erwin lynching on the part of both the State Department and the Italian government characterized the negotiations after the initial excitement had subsided. Both governments seemed to feel that the procedures for settling such outbreaks had been established in the previous decade. After waiting a reasonable length of time in order to assure themselves that the state judicial processes would bring no results, the Italian government again charged the United States with a denial of justice and then patiently waited for an indemnity to be granted. And again the

American government paid the necessary sum, accompanied with the usual stipulation that it was made without reference to the question of liability.

CHAPTER VI

Conclusion

Considered in retrospect, the diplomatic negotiations following the mob violence at Walsenburg, Hahnville, Tallulah, and Erwin contributed to the development of faulty but tolerable procedures for the settlement of the successive attacks against Italians in the United States. Cautious officials on both sides continually labored to prevent a complete diplomatic rupture as that resulting from the New Orleans outbreak in 1891. Despite the varied circumstances, the two governments succeeded in developing diplomatic methods which could ultimately lead to a peaceful settlement of the lynchings.

Upon receiving the news of each outbreak, the Italian ambassador promptly requested official reports from the State Department. The federal government, however, lacked jurisdiction to exercise any direct control over the investigations or the judicial processes of the state. It could only request that the governor send complete information to Washington on both the lynching itself and the subsequent steps taken by the local officials to locate the guilty parties.

In the meantime the Italian envoy impatiently pressed the Department for admissions of responsibility and promises

of reparation. In the Walsenburg case, Baron Severio Fava, the experienced Italian ambassador, went so far as to ignore the established rules of protocol. He wired the Colorado governor directly, circumventing the State Department, and requested that the Italians in Huerfano County be protected from further violence. The Italian government and the partisan press in Rome continually urged the ambassador to take all necessary actions. In at least two of the incidents, the unstable Italian ministry was forced to prove to the opposition that it was wringing every possible concession from the American government; the opposition, on the other hand, urged more drastic action, hoping to cause the downfall of the parties in power over this vital issue. Outspoken newspapers representing either the parties in power or those in opposition also aided in influencing the progress of the negotiations. As a result, the Italian ambassador, with the aid of the Italian consul stationed in the affected area, endeavored to accelerate the negotiations by submitting detailed evidence regarding the lynching to the State Department. Even then, the federal government steadfastly refused to make definite statements of responsibility until the governor's official report had been received. It simply forwarded the data gathered by the Italian ambassador to the state authorities where the prevailing moods of the governor and the local officials determined the use of the evidence.

The state authorities varied in their attitudes toward

the outbreak of mob violence within their borders. The Colorado and Mississippi governors were extremely cooperative. They offered rewards for the capture of the guilty persons and noticeably endeavored to see that the local officials fulfilled their duties in investigating the crime. In contrast, Murphy J. Foster, governor of Louisiana during the Hahnville and Tallulah negotiations, displayed great reluctance to aid the federal government. The official reports on the lynchings were delayed and inadequate. When Olney attempted to obtain additional evidence during the Hahnville controversy, he received no cooperation whatsoever. After his bold note to Fava, Olney was left in the ridiculous position of being unable to substantiate many of his unqualified contentions. This was partially attributable to the attitude of the recalcitrant Louisiana governor.

In an attempt to counter this obstacle in the negotiations, the State Department in both the Hahnville and Tallulah cases sent federal agents to Louisiana to obtain data for use in its discussions, both verbal and written, with the Italian ambassador. Although all evidence obtained in this manner was submitted to the state authorities as a courtesy, its primary purpose was to aid the State Department in maintaining its position against Italy.

In these cases one of the main duties of the federal agent was to obtain information regarding the nationality of the victims. If evidence proving that the Italians had been

naturalized or even had planned to become American citizens could be unearthed, the Department could attempt to deny responsibility completely or partially. In the Walsenburg and Hahnville incidents, some of the Italians had taken out their first naturalization papers. No attempt was made to exploit this circumstance in the Walsenburg negotiations. Although several precedents held that a declaration of intention did not change the citizenship of the alien, the State Department in the Hahnville case endeavored to prove that the victims had severed their Italian allegiance by establishing permanent residence in the United States, by taking out first naturalization papers, and by voting in Louisiana elections. The Italian ambassador, however, successfully refuted these claims. Thus another precedent upheld the principle that a declaration of intention did not alter the alien's allegiance to his home state.

In the Tallulah negotiations, conflicting interpretations of the naturalization certificates added further complications. There seemed to be some evidence of fraudulent naturalization if they were final papers because the requirements for American citizenship did not seem to have been met. In the end, however, the State Department firmly decided that the court conferring the certificates would be presumed to have examined the facts and that the naturalization was therefore valid. The Italian ambassador silently implied his assent. Nevertheless, the Italian government continued to agitate for indemnities for the heirs of the

other two Italians lynched at Tallulah.

In the Hahnville and Tallulah negotiations the living habits of the Italian aliens made a thorough investigation of their naturalization status difficult. Many of them moved frequently, adopted aliases when so disposed, and showed little disposition to mingle with the non-Italian inhabitants in the vicinity. This nomadic yet clannish existence made investigations into the background of the lynched Italians slow and tedious.

The habitual reluctance of the local communities to give any aid to the federal or state authorities added to the problems of investigating the lynchings. As many of the citizens had undoubtedly participated in the mobs, no one could be persuaded to indicate who the murderers of the Italians were. All attempts to penetrate the silence of the various communities met with failure. Even affidavits of eyewitnesses naming the principal lynchers produced no tangible results. Only after the Erwin outbreak did the area involved display any indignation over the mob's action. In that case a mass meeting of irate citizens was held in Greenville, Mississippi. They offered a reward for any information leading to the guilty parties and also passed a resolution condemning the lynching.

When the local inhabitants were uncooperative, the American government found it difficult to prove to the Italian government that the county or parish authorities had

earnestly attempted to locate the murderers of its nationals. Although the State Department could point to grand jury investigations in each case, Italy nevertheless charged a denial of justice after all four outbreaks. It claimed that the grand juries had done little investigating and had issued no indictments even when the lynchers were known. Only in the Tallulah incident did the State Department admit that a charge of a denial of justice had a valid basis in the available evidence. In the other three instances a stout defense of the local authorities was maintained throughout the negotiations. It was evident, however, that the lack of federal jurisdiction over the lynchings placed the United States in an awkward position in its relations with Italy. As a result, President McKinley in his Annual Messages of 1899 and 1900 strongly recommended that treaty violations be transferred to federal jurisdiction. President Harrison had also urged the passage of such legislation after the New Orleans massacre and the resulting diplomatic rupture with Italy in 1891.

After examining the details of the lynchings, Italy charged the United States with a lack of due diligence in the Walsenburg, Hahnville, and Tallulah outbreaks. In each instance, the Italians had been taken from the custody of the local police officials. The State Department had vigorously denied the charge in the Walsenburg and Tallulah cases but had difficulty in refuting the accusation

in the face of the facts surrounding the Hahnville jail attack. The sheriff's removal of all extra guards the very night of the attack made the position of the State Department extremely precarious. In the Walsenburg and Tallulah investigations, the grand jury rejected the written testimony of eyewitnesses to the lynching in favor of the verbal denials of the accused men.

The controversies resulting from the charges of a lack of due diligence and of a denial of justice generally prolonged the negotiations. The United States was reluctant to recommend an indemnity until it had exhausted every resource of rebuttal, while Italy kept pressing the American government in an attempt to secure a direct admission of liability. During the closing days of both the Hahnville and Tallulah correspondence, Fava again demonstrated his willingness to violate the established rules of diplomatic procedure. He wrote directly to President McKinley in an effort to facilitate Congressional action on the Hahnville indemnity. During the Tallulah finale he again wrote to McKinley, asking him to exert every possible effort to insure favorable action on the bills conferring jurisdiction over treaty violations upon federal courts. At the conclusion of each of the four diplomatic debates, however, the maneuvering led to the granting of an indemnity by the United States without reference to the question of liability. This practice substantiated various precedents and proved that

the admission of liability in the New Orleans case was an exceptional confession that was not to be adopted thereafter.

Thus in tracing the strains and tensions the diplomacy of these four incidents put on the traditional friendship between the United States and Italy, the complexity and the variety of the influences at work can be seen. These negotiations demonstrated the conflict between two major opposing ideas--the overly protective attitude of Italy toward its citizens abroad versus the American reluctance to admit its deficiencies or its responsibilities in the fulfillment of its duties. Although these outbreaks of mob violence were settled by peaceful diplomatic means, the ultimate problem of recurring outbreaks against Italians whose major fault seemed to be "the defective moral quality of being a foreigner" remained to plague future relations between the United States and Italy.

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